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**1999 DRAFTING REQUEST****Bill**Received: **09/14/98**Received By: **malaigm**Wanted: **As time permits**

Identical to LRB:

For: **Robert Wirch (608) 267-8979**By/Representing: **Amber**This file may be shown to any legislator: **NO**Drafter: **malaigm**May Contact: **Susan Steer or Marsha Varvil-Wel  
Children's Service Society**

Alt. Drafters:

Subject: **Children - abuse and neglect**

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Court appointed special advocates

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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Page 2

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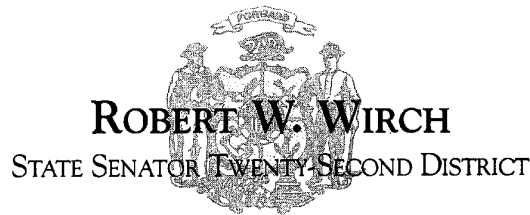
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## ROBERT W. WIRCH

STATE SENATOR TWENTY-SECOND DISTRICT

### Drake London Drafting Notes

#### Background

Following the death of Drake London, a 17-month-old baby from Kenosha who was killed by his mother's boyfriend January 1997, several foster parents from Kenosha contacted Senator Wirsch and asked him to sponsor legislation to prevent child abuse/neglect. The original intent of 1997 Senate Bill 451, or the "Drake London" bill, was to use less expensive resources to check up on abused children.

In the 1997 draft, Court-Appointed Special Advocates (CASAs) would have maintained regular contact and monitor the case to which he or she had been appointed to assure that the child's essential needs are being met and that the terms of the court order had been fulfilled in an appropriate and timely manner.

#### Current Draft

The purpose of the Drake London bill will be to make Court Appointed Special Advocates mandatory reporters. Precedent for this language should come from statutes making teachers and day care workers mandatory reporters.

In order to recognize Wisconsin's CASA program more formally, this draft should also outline CASAs role in the statutes. We would like to take language from other states (see handouts) pertaining to CASA, and mold it into something useful for Wisconsin. The definitions included in this version of the bill should be broad as to not limit CASAs role.

A CASA definition might work best if included and patterned after statutes defining Guardian Ad Litem.

State Capitol, P.O. Box 7882, Madison, Wisconsin 53707-7882 • 608-267-8979

Toll-Free Office Hotline: 1-888-769-4724

Email: Sen.Wirsch@legis.state.wi.us • Fax: (608) 267-0984

Home: 3007 Springbrook Road, Kenosha, Wisconsin 53142 • (414) 694-7379

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expand consent decree

informal disposition

I. Need a definition section.

Sec. 48.02 - definitions - add a sec. defining CASA:

"Court Appointed Special Advocate (CASA) means a volunteer appointed by the court to provide services to a child who has been found to be in need of protection and services under sec. 48.345." 48.13 or 48.133 938.13 (JSPs)

II. Need to add a section outlining court's authority to appoint CASA that is similar to sec. 48.235 for GALs.

Court Appointed Special Advocate (CASA):

(A) Appointment.

(X) The court may appoint a volunteer CASA for any child alleged or found to be in need of protection and services under sec. 48.345. or other

(2) ~~The court may appoint a CASA in any appropriate matter under this chapter.~~

? TPR  
guardian  
adoption  
51 or 55

(B) Qualifications. The CASA shall be a volunteer who has completed a training program which will include an appropriate background check and is approved by the local CASA program.

(C) Duties and Responsibilities. In addition to any duties required by the local CASA program, a CASA volunteer's duties shall include the following:

(X) Monitor the case to which he or she is assigned to ensure compliance with the court's orders; and

(2) Assist the Guardian ad Litem in representing the child's best interests.

(3) Any other duties ordered by the court consistent w/ mon.

(D) Liability. A CASA shall not be liable for damages for personal injury or property damage.

□ Mandatory reporter under 48.98(2)

48 or  
938

DOJ  
not DAFS  
don't specify





## 'Drake London Law' may help reduce child abuse

By David Cole  
Special to the Journal Sentinel

January 24, 1998

Kenosha -- One year after a 17-month-old Kenosha boy was beaten to death in what police allege is a case of child abuse, a bill designed to strengthen laws protecting children will be introduced in the Legislature.

The "Drake London Law" would give child advocacy workers, including court-appointed volunteers who have been assigned to visit the homes of abused children, the same liability protections as teachers and health care professionals in reporting child abuse, said Sen. Robert Wirth (D-Kenosha), sponsor of the measure.

The bill would also let juvenile court judges make periodic checks of previously abused children a condition of placement. It also would require child-care workers who are not allowed to check a child to report that to the juvenile court.

The bill is named for Drake London, a toddler who died on Jan. 20, 1997, of massive head injuries. Donnell McKennie, is charged with first-degree reckless homicide and child abuse for beating the boy to death. Police allege McKennie beat Drake for hours, pounded his head against a wall and poured chili powder in the boy's mouth while his mother watched.

The mother, Sarah Snodie, 19, also has been charged in the death.

Wirth's bill would protect those volunteers who supplement the work of social workers by making sure abused or neglected children who are returned to their parents aren't victimized a second time.

"These are children that have already been placed on the endangered list by the court system and are in danger of suffering additional abuse," Wirth said.

Volunteer child advocates are already at work in several counties in Wisconsin, including Milwaukee and Kenosha, according to Drake's foster mother, Jennifer Gille.

Gille believes Drake would be alive today if those protections were in place when the baby was transferred from her home back to the home of his mother eight months before he died.

Gille said a volunteer would have been able to spend more time in the home than overworked social workers.

A child advocacy program involving volunteers was launched in Kenosha County last month in response to Drake's death.

A trained volunteer can detect signs of abuse by simply holding or playing with the child and judging reactions, Gille said.

"If they whine when you touch something, you know that there's something wrong. It's pretty easy to find out if there's some abuse going on," she said.

Drake spent nine months in Gille's home before being returned to Snodie in May 1996. Eight months later, the infant allegedly was beaten to death by McKennie, Snodie's live-in boyfriend.

A trial date for McKennie, 20, has not been scheduled.

Snodie, accused of failing to step in and stop the abuse, is charged with being party to first-degree reckless homicide and child abuse. Her trial is scheduled for Feb. 16.

Both are being held in jail.

Gille and her husband, who have three children of their own, continue to care for foster children, and she says they talk about Drake almost daily.

"They talk about baby Drake being in heaven and watching out for them," she said. "We have a picture of him in the hallway."

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**[Send a letter to the editor](#)**

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**Journal Sentinel Online**

**Inside News**

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President Clinton's State of the Union to focus on education — A4

# KENOSHA NEWS

112417 SENATOR JOSEPH ANDREA  
STATE BOX 7882  
PC BOX 7882  
MADISON WI 53707-7882

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## Program a step to curb child abuse

### Volunteers will monitor families

2-7-97

BY BILL GUIDA  
KENOSHA NEWS

A court-appointed system of volunteers trained to look for signs of abuse and neglect in children is gaining momentum locally.

"In the four years I've been here, we've seen an increase in abuse and neglect every year," said Pam Lambach, a social work

*will be an adjunct, providing them with additional input and information in planning for the best interests of children.*

#### 'CASA VOLUNTEERS

**Pam Lambach**

Kenosha County social work supervisor

supervisor for the Kenosha County Division of Children and Family Services.

"It's becoming more difficult for social workers to deal with an increasing case load," she said. "CASA volunteers will be an adjunct, providing them with addi-

tional input and information in planning for the best interests of children."

CASA takes its name from the National Court Appointed Special Advocate Association headquartered in Seattle. A Washington judge began the organization

in 1977. Since then, 640 CASA programs have begun operating in all 50 states, with more than 38,000 volunteers participating. In 1996, they provided advocacy for some 129,000 children.

"As a former foster parent," said Sue Gehring of Bristol, "I see it as a critical piece that's been missing as we plan permanency for children. No child should grow up as a foster child. They don't know what name to go by, what school they will go to next year."

Because foster care was never meant to be permanent, Gehring said putting an end to a situation that bounces children from one temporary residence to another is critical to the CASA program.

"The law has the best interests of the child in mind," said Gehring. "But sometimes that gets lost in the shuffle of preserving families that perhaps don't have the skills to be a family."

She added that CASA advocates children's best interests, reduces their time in the court system and achieves permanency as soon as possible.

Gehring knows how much that means to a child. In 1995, she and her husband Tom were awarded legal guardianship of the foster child who came to live with them five years before. They view her as one of their three daughters. "A child shouldn't have to

See VOLUNTEERS, Back page

# VOLUNTEERS: Program provides support for families

## UNDER THE CASA

*of child abuse or neglect. They make visits once a week to see the child involved, talk with them and get to know the family. Typically they are assigned to children returned from foster care or other court-directed custody to their birth parent, although they may be appointed to monitor any child the court feels is at risk for abuse or neglect.*

them, but supplement the information a court can use to determine whether parental rights need to be terminated or to otherwise provide input on deciding a child's permanent placement. "It's a nationally recognized program. In other words, it's got a credible structure that can be replicated easily," said McGuire, who runs the Coordinated-Response to Child Abuse and Neglect program for Community Impact Programs. "It's not recreating the wheel."

She said that the only paid CASA staff would be the person who coordinates volunteers and their training.

In addition, an existing organization would act as an umbrella agency for the program so that equipment and office space need not be duplicated.

"Since (the London death) there's been an upwelling. The community wants to do something. I think that's the impetus behind the efforts," said McGuire.

"I think what's important here is that this program has the capacity of achieving what people have identified as a need in the community in a very productive way."

leave their bags packed," said Gehring. "Everytime they move, they leave a little piece of themselves behind. After so many moves, what's left of them?" Wisconsin was the 49th state to begin CASA programs. Milwaukee and Dane counties are the only two counties in the state with programs up and running.

On Friday, Gehring, Lambach, Julie McGuire, Beverly Jambou, Jennifer Keyes-Nora and Sandy Nises met with Milwaukee state coordinator Mary Protz to discuss in depth the next steps needed to establish CASA in Kenosha County.

Jambou is a foster parent and a former guardian ad litem, which is a child's court-appointed attorney. Keyes-Nora and Nises are county officials involved in the licensing, recruiting and coordinating of foster homes and the placement of children.

At a meeting Saturday of people pushing for a "Drake London Law" to tighten supervision and rules regarding children returned to potentially abusive homes, Gehring secured 25 signatures of people interested in letting CASA off the ground.

Drake London, 17 months old Jan. 20, five months after being returned from foster care the home of his birth mother, Sarah Snodie, 18, 1613 53rd St. She's being held on charges of failing to prevent his death. Her live-in boyfriend, Donnell McKennie Jr., 19, has been charged with the beating death of the child.

Jennifer Gille, London's foster mother for the nine months immediately preceding his return to Snodie, said Wednesday that she knows CASA can't happen overnight.

But, she added, "I want it in place now. Something like that would have helped Drake, even in some small way."

Lambach said she wasn't sure whether having a court-appointed advocate would have prevented London's death, but having worked with the program and trained CASA volunteers as a social worker in the

## Lottery numbers

**Wisconsin**  
For tickets dated February 5, 1997  
Pick 3: 6-2-7  
Supercash: 01-02-04-16-20-35  
Powerball: Jackpot for Wednesday: \$5 million.  
Megabucks: Jackpot for Wednesday: \$7.5 million.  
Daily Millions: Red: 8-13-White: 4-15; Blue: 1-4. None of the tickets sold Monday matched the six winning numbers to win \$1 million.

**Illinois**  
For tickets dated February 5, 1997  
Pick Three-Midday: 5-0-6  
Pick Three-Evening: 2-8-1  
Pick Four-Midday: 2-6-0-9  
Pick Four-Evening: 4-4-8-7  
Little Lotto: 01-03-12-16-17  
Lotto: Jackpot for Wednesday: \$27 million.  
The Big Game: Jackpot for Friday: \$27 million.

## CLINTON SAID ABOUT CONTRIBUTIONS TO THE

Clinton said about contributions to the



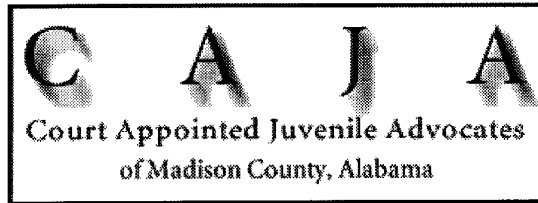
## William "Bill" Johnston for School Board

### Meet the Candidate

Friday, February 7th, 5 pm - 7 pm  
The Station Restaurant  
Reception and Fundraiser

**A vote for William "Bill" Johnston is a vote for professionalism and accountability!**

Bill Johnston Campaign Fund, Ill. Treasurer, self. Senate Majority



**What Do CAJA Volunteers Do?**

- ✓ Gather facts and make observations about a child's family background through an independent, comprehensive inquiry into the case.
- ✓ Make recommendations based on those facts and observations and present them to the judge in a court report.
  - On request, give oral testimony in juvenile court.
- ✓ Monitor the case to ensure that court-ordered services and case planning are provided in a timely, effective manner.
- ✓ Provide advocacy for the child throughout the court proceedings.
- ✓ Work to ensure that the child's best interests are advanced.



#### **RULE 19.1 RELEASE OF INFORMATION**

(a) Personally identifiable information concerning any person involved in a dependency proceeding, a placement pursuant to interstate compact, a termination of parental rights action or a child protective services investigation may be released by the Arizona Department of Economic Security or by the agency having care, custody, and control, to employees of the court including the Supreme Court, social service, public health or law enforcement agencies, licensed health practitioners, mental health professionals, or health or educational institutions, as necessary to provide for the care or safety of the child or of other children who may be endangered if the information is not released.

(b) Court employees, including Supreme Court employees or authorized persons under contract with the court, shall have access to all such information as is necessary in the performance of their official duties.

Added Feb. 16, 1982, effective April 1, 1982; amended Nov. 12, 1986, effective Dec. 1, 1986.

#### **RULE 22. GUARDIAN AD LITEM**

In any dependency proceeding in which the petition includes an allegation that the child was abused or neglected, a guardian ad litem shall be appointed to protect the best interest of the child. The guardian ad litem may be an attorney, a volunteer special advocate or other qualified person.

The court may appoint an attorney to serve as a guardian ad litem and as counsel to protect the interest of the child in an action when:

(1) The child has no parents, guardian or custodian residing within the county; or

(2) The court finds that there is a conflict of interest between the child and his or her parents, guardian or custodian.

In any proceeding where a parent appears to be mentally incompetent or under 21 years of age, the court may appoint a guardian ad litem to protect the interests of such parent.

The court shall require such guardian ad litem to faithfully discharge his or her duties and, upon failure to do so, shall discharge him or her and appoint another.

Amended effective June 20, 1989.

#### **RULE 22.1 SPECIAL ADVOCATE**

The court may appoint a volunteer special advocate in neglect and dependency actions and delinquency and incorrigibility actions, to be an assistant to and advocate for the child, to assure that all appropriate services are made available to the child, and otherwise to protect the best interests of the child in the action.

Added Jan. 7, effective Feb. 1, 1987.

**§ 8-225. Counsel right of child, parent or guardian; waiver; appointment; reimbursement; guardian ad litem**

A. In all proceedings conducted pursuant to this title and the rules of procedure for the juvenile court, a child has the right to be represented by counsel.

B. If a child, parent or guardian is found to be indigent, the juvenile court shall appoint an attorney to represent such person or persons unless counsel for the child is waived by both the child and the parent or guardian.

C. Prior to any court appearance which may result in detention, institutionalization or mental health hospitalization of a child, the court shall appoint counsel for the child if counsel has not been retained by or for the child, unless counsel is waived by both the child and a parent or guardian with whom the child resides or resided prior to the filing of a petition. The child, parent or guardian may withdraw the waiver of counsel at any time.

D. Waiver of counsel pursuant to this section is subject to the provisions of rule 6, subsection (c) of the rules of procedure for the juvenile court.

E. If there appears to be a conflict of interest between a child and his parent or guardian including a conflict of interest arising from payment of the fee for appointed counsel under subsection G, the juvenile court may appoint an attorney for the child in addition to that appointed for the parent or guardian or employed by the parent or guardian.

F. The judge of the juvenile court may fix a reasonable sum to be paid by the county for the services of an appointed attorney.

G. If the court finds that the parent or guardian of a child has sufficient financial resources to reimburse, at least in part, the costs of the services of an attorney appointed pursuant to this section, the court shall order the parent or guardian to pay to the appointed attorney or the county, through the clerk of the court, an amount that the parent or guardian is able to pay without incurring substantial hardship to the family. Failure to obey an order under this subsection is not grounds for contempt or grounds for withdrawal by the appointed attorney. An order under this section may be enforced in the manner of a civil judgment.

H. In a county where there is a public defender, the public defender may act as attorney in a delinquency or incorrigibility proceeding when requested by the juvenile court.

I. In all juvenile court proceedings in which the dependency petition includes an allegation that the child is abused or neglected, the court shall appoint a guardian ad litem to protect the child's best interests. This guardian may be an attorney or a court appointed special advocate.

Amended by Laws 1991, Ch. 230, § 4.

**§ 8-522. Dependency actions; special advocate; appointment; duties; immunity**

**A.** The presiding judge of the juvenile court in each county may appoint an adult as a special advocate to be the guardian ad litem for a child who is the subject of a dependency action. The court shall make this appointment at the earliest possible stage in the proceedings.

**B.** The supreme court shall certify special advocates pursuant to rules adopted by the court. Court rules for certification shall include compliance with qualification standards prescribed by the court.

**C.** The appointment of the special advocate continues until the court relieves the advocate of the advocate's responsibilities or until the court dismisses the action before it.

**D.** A special advocate serves without compensation but is entitled to reimbursement of expenses pursuant to guidelines prescribed by the supreme court by rule.

**E.** A special advocate shall:

1. Gather and provide independent, factual information to aid the court in making its decision regarding what is in the child's best interest and in determining if reasonable efforts have been made to prevent removal of the child from the child's home or in reunifying the child with the child's family.

2. Provide advocacy to ensure that appropriate case planning and services are provided for the child.

3. Perform other duties prescribed by the supreme court by rule.

**F.** A special advocate shall have access to all documents and information regarding the child and the child's family without obtaining prior approval of the child, the child's family or the court. All records and information the special advocate acquires or reviews during the course of the advocate's appointment and all work products and reports produced by the special advocate are confidential and may only be disclosed as provided for in § 41-1959.

**G.** The special advocate shall receive notice of all hearings, staffings, investigations and other matters concerning the child. The special advocate shall have a right to participate in the formulation of any agreement, stipulation or case plan entered into regarding the child.

**H.** A special advocate is immune from civil or criminal liability for the advocate's acts or omissions in connection with the authorized responsibilities the special advocate performs in good faith.

Added by Laws 1991, Ch. 230, § 5.



**§ 8-523. Special advocate program**

A. The court appointed special advocate program is established in the administrative office of the supreme court. The program shall establish local special advocate programs in each county. The supreme court shall adopt rules prescribing the establishment of local programs and the minimum performance standards of these programs.

B. The supreme court shall employ administrative and other personnel it determines are necessary to properly administer the program and to monitor local program performance.

C. Special advocate program personnel are not civilly or criminally liable for good faith actions they take in connection with their responsibilities.

Added by Laws 1991, Ch. 230, § 5.

**§ 8-524. Special advocate fund**

A. The court appointed special advocate fund is established in the state treasury consisting of monies received pursuant to § 5-518. The fund is subject to annual legislative appropriation. Monies appropriated by the legislature from the court appointed special advocate fund for the court appointed special advocate program shall be used by the supreme court to operate, improve, maintain and enhance the program.

B. A court may request fund monies by submitting a program plan and funding request to the supreme court pursuant to rules adopted by the court.

C. The supreme court shall submit an annual report to the governor, the president of the senate and the speaker of the house of representatives detailing the status of the court appointed special advocate program and the expenditure of all monies appropriated for this purpose.

Added by Laws 1991, Ch. 230, § 5. Amended by Laws 1992, Ch. 312, § 2, eff. Sept. 30, 1992, retroactively effective to July 1, 1992.

**§ 5-518. Disposition of unclaimed prize money**

Unclaimed prize money for the prize on a winning ticket or share shall be retained for the person entitled to the prize for one hundred eighty days after the drawing in which the prize was won in the case of a drawing prize and for one hundred eighty days after the announced end of the game in question in the case of a prize determined in any manner other than by means of a drawing. If a claim is not made for the money within the applicable period, seventy per cent of the prize money shall be held in the state lottery prize fund for use as additional prizes in future games and thirty per cent shall be transferred monthly to the state treasurer for deposit in the court appointed special advocate fund established pursuant to § 8-524.

Amended by Laws 1991, Ch. 230, § 2; Laws 1992, Ch. 312, § 1, eff. Sept. 30, 1992, retroactively effective to July 1, 1992.

**§ 5-505. Apportionment of revenue**

A. Not more than twenty per cent of the total annual revenues accruing from the sale of lottery tickets or shares and from all other sources shall be deposited in the state lottery fund established pursuant to § 5-521 to be expended for the following:

1. The payment of costs incurred in the operation and administration of the lottery, including the expenses of the commission and the costs resulting from any contract or contracts entered into for consulting or operational services, or for promotional and advertising services. Not more than four per cent of the total annual gross revenues of the lottery shall be expended for promotional or advertising services.

2. Independent audits which shall be performed annually in addition to the audits required by § 5-524.

3. Incentive programs for lottery sales agents and lottery employees.

4. Payment of compensation to licensed sales agents necessary to provide for the adequate availability of tickets or services to prospective buyers and for the convenience of the public.

5. The payment of reasonable fees to redemption agents as authorized by § 5-519.

6. The purchase or lease of lottery equipment, tickets and materials.

7. The repayment of the monies appropriated to the commission.

B. Not less than thirty-two and one-half per cent of the total annual revenues accruing from the sale of lottery tickets or shares shall be deposited in the state lottery fund established pursuant to § 5-521 to be used as prescribed in § 5-522, subsection A, paragraph 3, and § 5-522, subsections B, C and D.

C. As nearly as is practicable, forty-seven and one-half per cent of the total annual revenue, computed on a year-round average basis for each type of lottery game, accruing from the sale of lottery tickets or shares shall be deposited in the state lottery prize fund established pursuant to § 5-523 for payment of prizes to the holders of winning tickets or shares or for other purposes provided for in § 5-518.

D. Except for monies expended as provided in § 5-504, subsection C and § 41-1505.10, monies expended under subsection A of this section shall be subject to legislative appropriation beginning with the fiscal year which commences July 1, 1989.

Amended by Laws 1989, Ch. 203, § 3, eff. May 17, 1989; Laws 1989, Ch. 260, § 2; Laws 1991, Ch. 230, § 1.

1996

# An Act

SENATE BILL 96-030

BY SENATORS Wham, Johnson, Matsunaka, Powers R., and Weddig;  
also REPRESENTATIVES George, DeGette, Hagedorn, Kaufman, Knox,  
Kreutz, Leyba, Lyle, Mace, McPherson, Morrison, Owen, Schwarz,  
Swenson, Taylor, and Tool.

CONCERNING A COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

*Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. 19-1-103, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

19-1-103. Definitions. As used in this title, unless the context otherwise requires:

(34.3) "COURT-APPOINTED SPECIAL ADVOCATE" OR "CASA VOLUNTEER" MEANS A VOLUNTEER APPOINTED BY A COURT PURSUANT TO THE PROVISIONS OF PART 2 OF THIS ARTICLE TO ASSIST IN ADVOCACY FOR CHILDREN.

(34.5) "COURT-APPOINTED SPECIAL ADVOCATE PROGRAM" OR "CASA PROGRAM" MEANS A PROGRAM ESTABLISHED PURSUANT TO THE PROVISIONS OF PART 2 OF THIS ARTICLE.

SECTION 2. 19-1-111 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-1-111. Appointment of guardian ad litem. (5) THE GUARDIAN AD LITEM SHALL COOPERATE WITH ANY CASA VOLUNTEER

*GAL cooperate with*

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

APPOINTED PURSUANT TO SECTION 19-1-206.

SECTION 3. Article 1 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

19-1-111.5. Court-appointment special advocate. THE COURT MAY APPOINT A CASA VOLUNTEER PURSUANT TO THE PROVISIONS OF PART 2 OF THIS ARTICLE IF THE COURT FINDS THAT THE APPOINTMENT WOULD BE IN THE BEST INTERESTS OF THE CHILD. THE COURT MAY DIRECT THE MANNER IN WHICH A CASA VOLUNTEER AND ANY GUARDIAN AD LITEM APPOINTED IN A CASE SHALL COLLABORATE.

SECTION 4. Article 1 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

#### PART 2

#### COURT-APPOINTED SPECIAL ADVOCATE PROGRAM

✓ 19-1-201. Legislative intent. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT QUALITY REPRESENTATION FOR CHILDREN REQUIRES LEGAL EXPERTISE AND THOROUGH CASE MONITORING.

(b) THE WORK OF COMMUNITY VOLUNTEERS HAS BEEN PROVEN TO BE EFFECTIVE IN ADDRESSING THE NEEDS OF CHILDREN. PARTNERSHIPS BETWEEN GUARDIANS AD LITEM AND COMMUNITY VOLUNTEERS CAN ENHANCE THE QUALITY OF REPRESENTATION FOR CHILDREN.

(c) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE STATE SHOULD PROMOTE VOLUNTEERISM AND THE EXERCISE OF RESPONSIBLE CITIZENSHIP TO ENABLE MEMBERS OF LOCAL COMMUNITIES TO BECOME ADVOCATES FOR CHILDREN.

(2) THEREFORE, THE GENERAL ASSEMBLY HEREBY AUTHORIZES THE CREATION OF VOLUNTEER COURT-APPOINTED SPECIAL ADVOCATE PROGRAMS IN ORDER TO ENHANCE THE QUALITY OF REPRESENTATION OF CHILDREN.

✓ 19-1-202. Creation of court-appointed special advocate programs. (1) CASA PROGRAMS MAY BE ESTABLISHED IN EACH JUDICIAL DISTRICT OR ANY TWO OR MORE ADJACENT JUDICIAL DISTRICTS AND SHALL OPERATE PURSUANT TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CHIEF JUDGE OF THE JUDICIAL DISTRICT AND THE CASA PROGRAM. THE MEMORANDUM OF UNDERSTANDING SHALL IDENTIFY THE ROLES AND RESPONSIBILITIES OF ANY CASA VOLUNTEER APPOINTED IN THE JUDICIAL DISTRICT AND SHALL INDICATE WHETHER ANY CASA VOLUNTEER MAY BE MADE A PARTY TO THE ACTION.

(2) A CASA PROGRAM ESTABLISHED PURSUANT TO THE PROVISIONS OF THIS PART 2 SHALL:

(a) BE A COMMUNITY ORGANIZATION THAT SCREENS, TRAINS, AND SUPERVISES CASA VOLUNTEERS TO ADVOCATE FOR THE BEST INTERESTS OF

CHILDREN IN ACTIONS BROUGHT PURSUANT TO THIS TITLE AND TITLES 14 AND 15, C.R.S.;

(b) BE A MEMBER IN GOOD STANDING OF THE COLORADO CASA ASSOCIATION AND THE NATIONAL CASA ASSOCIATION AND ADHERE TO THE GUIDELINES ESTABLISHED BY THOSE ASSOCIATIONS;

(c) APPOINT A PROGRAM DIRECTOR WHO SHALL HAVE THE RESPONSIBILITIES SET FORTH IN SECTION 19-1-203;

(d) HAVE ADEQUATE SUPERVISORY AND SUPPORT STAFF WHO SHALL BE EASILY ACCESSIBLE, HOLD REGULAR CASE CONFERENCES WITH CASA VOLUNTEERS TO REVIEW CASE PROGRESS, AND CONDUCT ANNUAL PERFORMANCE REVIEWS FOR ALL CASA VOLUNTEERS;

(e) PROVIDE STAFF AND CASA VOLUNTEERS WITH WRITTEN PROGRAM POLICIES, PRACTICES, AND PROCEDURES;

(f) PROVIDE THE TRAINING REQUIRED PURSUANT TO SECTION 19-1-204; AND

(g) ATTEMPT TO MAINTAIN A CASA VOLUNTEER-TO-SUPERVISOR RATIO OF THIRTY-TO-ONE.

19-1-203. Program director. (1) THE PROGRAM DIRECTOR SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF THE CASA PROGRAM, INCLUDING RECRUITMENT, SELECTION, TRAINING, AND SUPERVISION AND EVALUATION OF STAFF AND CASA VOLUNTEERS.

(2) THE PROGRAM DIRECTOR SHALL SERVE AS A PROFESSIONAL LIAISON BETWEEN THE COURT AND COMMUNITY AGENCIES SERVING CHILDREN.

*Training* ✓  
19-1-204. Training requirements. (1) ALL CASA VOLUNTEERS SHALL PARTICIPATE FULLY IN PRESERVICE TRAINING, INCLUDING INSTRUCTION ON RECOGNIZING CHILD ABUSE AND NEGLECT, CULTURAL AWARENESS, CHILD DEVELOPMENT, THE JUVENILE COURT PROCESS, PERMANENCY PLANNING, VOLUNTEER ROLES AND RESPONSIBILITIES, ADVOCACY, INFORMATION GATHERING, AND DOCUMENTATION. CASA VOLUNTEERS SHALL BE REQUIRED TO PARTICIPATE IN OBSERVATION OF COURT PROCEEDINGS PRIOR TO APPOINTMENT.

(2) ALL CASA VOLUNTEERS SHALL RECEIVE A TRAINING MANUAL THAT SHALL INCLUDE GUIDELINES FOR THEIR SERVICE AND DUTIES.

(3) EACH CASA PROGRAM SHALL PROVIDE A MINIMUM OF TEN HOURS OF IN-SERVICE TRAINING PER YEAR TO CASA VOLUNTEERS.

✓ 19-1-205. Selection of CASA volunteers. (1) EACH CASA PROGRAM SHALL ADOPT REGULATIONS CONSISTENT WITH SUBSECTION (2) OF THIS SECTION, AND WITH THE COLORADO CASA ASSOCIATION AND NATIONAL CASA ASSOCIATION GUIDELINES GOVERNING QUALIFICATIONS AND SELECTION OF CASA VOLUNTEERS. EACH CASA PROGRAM'S REGULATIONS SHALL INCLUDE

PROVISIONS THAT QUALIFIED ADULTS SHALL NOT BE DISCRIMINATED AGAINST BASED ON GENDER, SOCIOECONOMIC, RELIGIOUS, RACIAL, ETHNIC, OR AGE FACTORS.

(2) THE MINIMUM QUALIFICATIONS FOR ANY PROSPECTIVE CASA VOLUNTEER ARE THAT HE OR SHE SHALL:

(a) BE AT LEAST TWENTY-ONE YEARS OF AGE OR OLDER AND HAVE DEMONSTRATED AN INTEREST IN CHILDREN AND THEIR WELFARE;

(b) BE WILLING TO COMMIT TO THE COURT FOR A MINIMUM OF ONE YEAR OF SERVICE TO A CHILD;

(c) COMPLETE AN APPLICATION, INCLUDING PROVIDING BACKGROUND INFORMATION REQUIRED PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(d) PARTICIPATE IN A SCREENING INTERVIEW;

(e) PARTICIPATE IN THE TRAINING REQUIRED PURSUANT TO SECTION 19-1-204; AND

(f) MEET OTHER QUALIFICATIONS AS DETERMINED BY THE CASA PROGRAM DIRECTOR AND THE CHIEF JUDGE OF THE JUDICIAL DISTRICT.

(3) A PROSPECTIVE CASA VOLUNTEER'S APPLICATION SHALL INCLUDE:

(a) A COPY OF ANY CRIMINAL HISTORY RECORD, CENTRAL REGISTRY RECORD, AND MOTOR VEHICLE RECORD;

(b) AT LEAST THREE REFERENCES WHO CAN ADDRESS HIS OR HER CHARACTER, JUDGMENT, AND SUITABILITY FOR THE POSITION; AND

(c) RECORDS FROM ANY OTHER JURISDICTIONS IN WHICH HE OR SHE RESIDED DURING THE ONE-YEAR TIME PERIOD PRIOR TO THE DATE OF THE APPLICATION IF THE PROSPECTIVE CASA VOLUNTEER HAS RESIDED IN THE STATE OF COLORADO FOR LESS THAN TWELVE MONTHS.

✓ 19-1-206. Appointment of CASA volunteers. (1) ANY JUDGE OR MAGISTRATE MAY APPOINT A CASA VOLUNTEER IN ANY ACTION BROUGHT PURSUANT TO THIS TITLE AND TITLES 14 AND 15, C.R.S., WHEN, IN THE OPINION OF THE JUDGE OR MAGISTRATE, A CHILD WHO MAY BE AFFECTED BY SUCH ACTION REQUIRES SERVICES THAT A CASA VOLUNTEER CAN PROVIDE. AT THE DISCRETION OF THE JUDGE OR MAGISTRATE, A CASA VOLUNTEER MAY BE A PARTY TO THE ACTION IF SO PROVIDED FOR IN THE MEMORANDUM OF UNDERSTANDING.

(2) A CASA VOLUNTEER SHALL BE APPOINTED AT THE EARLIEST STAGES OF AN ACTION PURSUANT TO A COURT ORDER THAT GIVES HIM OR HER THE AUTHORITY TO REVIEW ALL RELEVANT DOCUMENTS AND INTERVIEW ALL PARTIES INVOLVED IN THE CASE, INCLUDING PARENTS, OTHER PARTIES IN INTEREST, AND ANY OTHER PERSONS HAVING SIGNIFICANT INFORMATION

RELATING TO THE CHILD.

(3) THE CASA VOLUNTEER'S APPOINTMENT SHALL CONCLUDE:

(a) WHEN THE COURT'S JURISDICTION OVER THE CHILD TERMINATES; OR

(b) UPON DISCHARGE BY THE COURT ON ITS OWN MOTION OR AT THE REQUEST OF THE PROGRAM DIRECTOR OF THE CASA PROGRAM TO WHICH THE CASA VOLUNTEER IS ASSIGNED.

19-1-207. Restrictions. (1) A CASA VOLUNTEER SHALL NOT:

(a) ACCEPT ANY COMPENSATION FOR THE DUTIES AND RESPONSIBILITIES OF HIS OR HER APPOINTMENT;

(b) HAVE ANY ASSOCIATION THAT CREATES A CONFLICT OF INTEREST WITH HIS OR HER DUTIES;

(c) BE RELATED TO ANY PARTY OR ATTORNEY INVOLVED IN A CASE;

(d) BE EMPLOYED IN A POSITION THAT COULD RESULT IN A CONFLICT OF INTEREST OR GIVE RISE TO THE APPEARANCE OF A CONFLICT;

(e) USE THE CASA VOLUNTEER POSITION TO SEEK OR ACCEPT GIFTS OR SPECIAL PRIVILEGES.

19-1-208. Duties of CASA volunteer. (1) Independent case investigation. UPON APPOINTMENT IN AN ACTION, A CASA VOLUNTEER MAY HAVE THE DUTY TO:

(a) CONDUCT AN INDEPENDENT INVESTIGATION REGARDING THE BEST INTERESTS OF THE CHILD THAT WILL PROVIDE FACTUAL INFORMATION TO THE COURT REGARDING THE CHILD AND THE CHILD'S FAMILY. THE INVESTIGATION SHALL INCLUDE INTERVIEWS WITH AND OBSERVATIONS OF THE CHILD, INTERVIEWS WITH OTHER APPROPRIATE INDIVIDUALS, AND THE REVIEW OF RELEVANT RECORDS AND REPORTS.

(b) DETERMINE IF AN APPROPRIATE TREATMENT PLAN, AS DESCRIBED IN SECTION 19-3-508, HAS BEEN CREATED FOR THE CHILD, WHETHER APPROPRIATE SERVICES ARE BEING PROVIDED TO THE CHILD AND FAMILY, AND WHETHER THE TREATMENT PLAN IS PROGRESSING IN A TIMELY MANNER.

(2) Recommendations. UNLESS OTHERWISE ORDERED BY THE COURT, THE CASA VOLUNTEER, WITH THE SUPPORT AND SUPERVISION OF THE CASA PROGRAM STAFF, SHALL MAKE RECOMMENDATIONS CONSISTENT WITH THE BEST INTERESTS OF THE CHILD REGARDING PLACEMENT, VISITATION, AND APPROPRIATE SERVICES FOR THE CHILD AND FAMILY AND SHALL PREPARE A WRITTEN REPORT TO BE DISTRIBUTED TO THE PARTIES OF THE ACTION.

(3) Reports. THE CASA VOLUNTEER SHALL ASSURE THAT THE



CHILD'S BEST INTERESTS ARE BEING ADVOCATED AT EVERY STAGE OF THE CASE AND PREPARE WRITTEN REPORTS TO BE DISTRIBUTED TO THE PARTIES OF THE ACTION.

*Replace  
\* Visual  
inspection*

(4) Case monitoring. THE CASA VOLUNTEER SHALL <sup>maintain</sup> MONITOR THE CASE TO WHICH HE OR SHE HAS BEEN APPOINTED TO ASSURE THAT THE CHILD'S ESSENTIAL NEEDS ARE BEING MET AND THAT THE TERMS OF THE COURT'S ORDERS HAVE BEEN FULFILLED IN AN APPROPRIATE AND TIMELY MANNER.

(5) Witness. THE CASA VOLUNTEER MAY BE CALLED AS A WITNESS IN AN ACTION BY ANY PARTY OR THE COURT AND MAY REQUEST OF THE COURT THE OPPORTUNITY TO APPEAR AS A WITNESS.

19-1-209. Role and responsibilities of guardians ad litem - other parties. (1) (a) ANY GUARDIAN AD LITEM, AND ALL STATE AND LOCAL AGENCIES, DEPARTMENTS, AUTHORITIES, AND INSTITUTIONS SHALL COOPERATE AND SHARE INFORMATION WITH ANY CASA VOLUNTEER APPOINTED TO SERVE ON A CASE AND WITH EACH LOCAL CASA PROGRAM TO FACILITATE THE IMPLEMENTATION OF ITS PROGRAM.

(b) THE CASA PROGRAM WILL HELP FACILITATE THE COOPERATION AND SHARING OF INFORMATION AMONG CASA VOLUNTEERS, THE ATTORNEYS, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, AND OTHER COMMUNITY AGENCIES.

(2) IN ANY CASE IN WHICH THE COURT HAS APPOINTED BOTH A CASA VOLUNTEER AND A GUARDIAN AD LITEM, THE CASA VOLUNTEER AND THE GUARDIAN AD LITEM SHALL COOPERATE TO REPRESENT THE BEST INTERESTS OF THE CHILD.

(3) THE CASA VOLUNTEER SHALL BE NOTIFIED OF HEARINGS, STAFFINGS, MEETINGS, AND ANY OTHER PROCEEDINGS CONCERNING THE CASE TO WHICH HE OR SHE HAS BEEN APPOINTED.

19-1-210. Access to information. UPON APPOINTMENT OF A CASA VOLUNTEER, THE COURT SHALL ISSUE AN ORDER AUTHORIZING ACCESS TO SUCH RECORDS AND OTHER INFORMATION RELATING TO THE CHILD, PARENT, LEGAL GUARDIAN, OR OTHER PARTIES IN INTEREST AS THE COURT DEEMS NECESSARY.

19-1-211. Confidentiality. A CASA VOLUNTEER SHALL NOT DISCLOSE THE CONTENTS OF ANY DOCUMENT, RECORD, OR OTHER INFORMATION RELATING TO A CASE TO WHICH THE CASA VOLUNTEER HAS ACCESS IN THE COURSE OF AN INVESTIGATION. ALL SUCH INFORMATION SHALL BE CONSIDERED CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO PERSONS OTHER THAN THE COURT AND PARTIES TO THE ACTION.

19-1-212. Liability. CASA PROGRAM DIRECTORS AND VOLUNTEERS PARTICIPATING IN A CASA PROGRAM SHALL HAVE THE SAME CIVIL IMMUNITY AND LIABILITY AS DESCRIBED IN SECTIONS 13-21-115.5 AND 13-21-115.7, C.R.S.

*regular  
contact +*

*Access to records*

*✓ 48.293*

*✓ 48.295*

*✓ 48.33*

*48.36*

*48.396*

*48.78*

*14682*

*Notified of hearings*

*✓ 48.27*

*✓ 48.357*

*✓ 48.363*

*✓ 48.365*

*✓ 48.38*

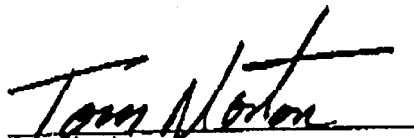
SECTION 5. 24-4.2-105 (7) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-4.2-105. Allocation of moneys from fund - application for grants - disbursements. (7) For purposes of this section:

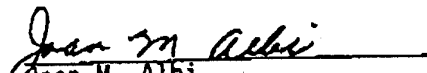
(c) "Court-appointed special advocate" or "CASA" means a trained volunteer appointed by the court PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 1 OF TITLE 19, C.R.S., in a district to aid the court by providing independent and objective information as directed by the court, regarding children involved in actions brought pursuant to this title.


SECTION 6. No appropriation. It has been determined by the general assembly that no state moneys need be appropriated to state agencies to carry out the purposes of this act.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

  
Tom Norton  
PRESIDENT OF  
THE SENATE

  
Charles E. Berry  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

  
Joan M. Albi  
SECRETARY OF  
THE SENATE

  
Judith M. Rodrigue  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED May 23, 1996 at 1:35 P.M.


  
Roy Romeo  
GOVERNOR OF THE STATE OF COLORADO

EXHIBIT "A"  
GUIDELINES FOR THE COURT APPOINTED  
SPECIAL ADVOCATE

Pursuant to Iowa Code section 232.2(9A) (Supp. 1987) "court appointed special advocate" means a person duly certified by the judicial department for participation in the court appointed special advocate program and appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from such proceeding. The general responsibility of the court appointed special advocate serving as a CASA or guardian ad litem is to aid and enable the court to perform its duty of protecting the child under its jurisdiction.

The specific responsibilities of the court appointed special advocates include, but are not limited by, their duties to:

1. Maintain the confidentiality of all information received in the course of serving as a CASA or guardian ad litem;
2. Conduct an independent investigation of the child's case;
3. Examine and collect data regarding the child from the various reports, school records, physical and mental health evaluations, legal and social files, etc.;

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: S3/11/97 S3/14/97

## A Bill

ACT 1227 of 1997

SENATE BILL 489

4  
5 By: Senators Harriman, Argue, Walker, and Todd  
6 By: Representatives Lynn, Pollan, and Judy Smith

### For An Act To Be Entitled

7  
8  
9 "AN ACT TO AMEND VARIOUS SECTIONS OF THE JUVENILE CODE TO  
10 IMPROVE COURT PRACTICE IN DEPENDENCY-NEGLECT PROCEEDINGS;  
11 TO MAKE TECHNICAL CHANGES; TO CREATE A DIVISION OF  
12 DEPENDENCY-NEGLECT REPRESENTATION WITHIN THE  
13 ADMINISTRATIVE OFFICE OF THE COURTS; TO DECLARE AN  
14 EMERGENCY; AND FOR OTHER PURPOSES."

### Subtitle

15  
16  
17 "TO AMEND VARIOUS SECTIONS OF THE  
18 JUVENILE CODE"

19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21  
22 SECTION 1. Arkansas Code Annotated § 9-27-303 is amended to read as  
23 follows:

24 "9-27-303. Definitions.

25 As used in this subchapter, unless the context otherwise requires:

26 (1) 'Juvenile' means an individual who:

27 (A) Is under the age of eighteen (18) years, whether married or  
28 single;

29 (B) Is under the age of twenty-one (21) years, whether married or  
30 single, who was adjudicated delinquent for an act committed prior to the age  
31 of eighteen (18) years and for whom the court retains jurisdiction. In no  
32 event shall such person remain within the court's jurisdiction past the age of  
33 twenty-one (21) years; or

34 (C) Was adjudicated dependent-neglected before reaching the age  
35 of eighteen (18) years and who, while engaged in a course of instruction or  
36 treatments, requests the court to retain jurisdiction until the course has

1 juvenile. If the juvenile's wishes differ from the attorney's determination  
2 of the juvenile's best interest, the attorney ad litem shall communicate the  
3 juvenile's wishes to the court in addition to presenting his determination of  
4 the juvenile's best interest.

5 (g) Court-Appointed Special Advocate.

6 (1) The Court may appoint a volunteer court-appointed special  
7 advocate (CASA) from a program which shall meet all state and national CASA  
8 standards to provide services to juveniles for whom the court determines such  
9 services appropriate in dependency-neglect proceedings.

10 (2) No CASA shall be assigned a case before:

11 (A) completing a training program in compliance with  
12 National Court Appointed Special Advocate Association and state standards; and

13 (B) being approved by the local CASA program which will  
14 include appropriate criminal background and child abuse registry checks.

15 (3) Each CASA shall:

16 (A) investigate the case to which he or she is assigned to  
17 provide independent factual information to the court through the attorney ad  
18 litem;

19 (B) monitor the case to which he or she is assigned to  
20 ensure compliance with the court's orders;

21 (C) assist the attorney ad litem in representing the  
22 juvenile's best interest.

23 (4) Upon presentation of an order of appointment, a CASA shall be  
24 provided access to all records relevant to the juvenile's case, including but  
25 not limited to, school records, medical records, juvenile court records, and  
26 Department of Human Services records, excluding unfounded reports.

27 (5) A CASA is not a party to the case to which he or she is  
28 assigned and shall not call witnesses or examine witnesses. The CASA may  
29 testify if called as a witness.

30 (6) A CASA shall not be liable for damages for personal injury or  
31 property damage, pursuant to A.C.A. 16-6-101 through -105.

32 (7) Except as provided by this subsection, a CASA shall not  
33 disclose any confidential information or reports to anyone except as ordered  
34 by the court or otherwise provided by law.

35 (h) Parents' right to counsel.

36 (1) In all proceedings to remove custody from a parent or guardian

training  
background  
checks

Duties  
investigate

to monitor  
help GAL

Access to  
records

Immunity  
Confidentiality  
Speaker of the House



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0175

GMM...

King

Week of 1/4

- 1 <sup>Leg. Cit</sup> AN ACT <sup>relating to:</sup> court-appointed special advocates for children, unborn  
2 children and juveniles in need of protection or services.

***Analysis by the Legislative Reference Bureau***

Under current law, child abuse and neglect and unborn child abuse reports and records are confidential and may be disclosed only under certain exceptions. One of those exceptions permits those reports and records to be disclosed to a volunteer appointed or person employed by a court-appointed special advocate (CASA) program recognized by the county board of supervisors (county board) or the county department of human services or social services (county department) or, in a county having a population of 500,000 or more, the department of health and family services (DHFS) or a licensed child welfare agency under contract with DHFS, to the extent necessary to perform the advocacy services in child or unborn child in need of protection or services proceedings for which the CASA program is recognized.

- \* This bill eliminates the authority of DHFS, a county board, a county department or a licensed child welfare agency to recognize a CASA program and  
\* insteads permit the chief judge of a judicial administrative district to recognize a CASA program. A chief judge may recognize a CASA program by entering into a memorandum of understanding with the CASA program that specifies the responsibilities of the CASA program and of a CASA volunteer. To be a CASA volunteer, a person must be 21 years of age or ~~over~~, must demonstrate an interest in the welfare of children and unborn children, must undergo a satisfactory background investigation, must complete the training program required under the bill and must meet any other qualifications required by the CASA program or the chief judge. Before a person may be appointed as a CASA in a proceeding of the court assigned to exercise jurisdiction under the children's code and the juvenile justice code

older

(juvenile court), the person must complete a training program that includes instruction on recognizing child abuse and neglect and unborn child abuse, cultural competency, child and unborn child development, juvenile court procedures, permanency planning for children, the responsibilities of a CASA and information gathering and documentation. A CASA volunteer must also complete 10 hours of continuing training annually.

The bill permits the juvenile court to appoint a CASA to undertake certain responsibilities assigned by the juvenile court in any proceeding in which it is alleged that a child, unborn child or juvenile is in need of protection or services and in which the juvenile court finds that providing the services of a CASA would be in the best interests of the child, unborn child or juvenile. Those proceedings include proceedings in which it is alleged that a child has been the victim of abuse or neglect, that an unborn child has been the victim of serious physical harm caused by the habitual lack of self-control of the unborn child's expectant mother in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, (unborn child abuse) or that a juvenile is uncontrollable, habitually truant from home or school or a dropout. a CASA to perform

The bill permits a juvenile court to assign any of the following responsibilities

*WFO: ignore RED changes here*  
1. Gather information and make observations about the child or juvenile and his or her family, or about the expectant mother of the unborn child and, based on that information and observation, make clear and specific recommendations to the juvenile court in the form of written reports or oral testimony concerning the best interests of the child, unborn child or juvenile at every stage of the proceeding.

2. Maintain regular contact with the child, juvenile or expectant mother of the unborn child; monitor the appropriateness and safety of the environment of the child, juvenile or expectant mother, the extent to which the child or juvenile and his or her family, or the expectant mother, and any agency that is required to provide services under any informal disposition, deferred prosecution agreement, consent decree or dispositional order of the juvenile court or any permanency plan for the child or juvenile is complying with that disposition, agreement, decree, order or plan; and, based on that regular contact and monitoring, make clear and specific recommendations to the juvenile court in the form of written reports or oral testimony concerning the best interests of the child, unborn child or juvenile at every stage of the proceeding.

3. Assist the guardian ad litem in advocating for the best interests of the child, unborn child or juvenile at every stage of the proceeding.

4. Undertake any other responsibilities assigned by the juvenile court that are consistent with the memorandum of understanding between the chief judge and the CASA program.

A juvenile court that appoints a CASA to undertake the responsibilities described in paragraph 1. or 2., above, must include in the order of appointment an order authorizing the CASA to do any of the following:

1. Inspect and copy any reports and records relating to the child or juvenile and his or her family, or to the unborn child and expectant mother, that are relevant to

the subject matter of the proceeding. Those reports and records include physical, psychological and alcohol or other drug dependency examination reports, law enforcement agency reports and records, juvenile court records, social welfare agency records, abuse and neglect reports and records and pupil records. A CASA that obtains access to such a report or record must keep the information contained in the report or record confidential and may disclose that information only to the juvenile court and to the parties to the proceeding.

2. Observe the child or juvenile and his or her living environment and, if the child or juvenile is old enough to communicate, interview the child or juvenile; interview the parent, guardian, legal custodian or other caregiver of the child or juvenile, or the expectant mother of the unborn child, and observe that person's living environment; and interview any other person who might possess any information relating to the child or juvenile and his or her family, or to the unborn child and expectant mother, that is relevant to the proceeding. The order must also require any caregiver or expectant mother to whom the CASA presents a copy of the order to permit the CASA to enter that person's dwelling for the purpose of observing the person's living environment and to agree to be interviewed by the CASA at any reasonable time. A CASA that obtains any information from those observations or interviews must keep the information confidential and may disclose that information only to the juvenile court and to the parties to the proceeding.

Finally, the bill does all of the following:

1. Makes a CASA a mandatory reporter of suspected or threatened child abuse or neglect, but not of suspected or threatened unborn child abuse.

2. Makes a CASA volunteer and an employee of a CASA program immune from civil liability for any act or omission of the volunteer or employee ~~done~~ within the scope of his or her responsibilities and authority as a CASA volunteer or employee.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 46.48 (28) of the statutes is amended to read:

2           **46.48 (28) GRANTS FOR COURT-APPOINTED SPECIAL ADVOCATES.** The department  
3 shall distribute \$50,000 in each fiscal year as grants to court-appointed special  
4 advocate programs that are recognized by a county board, by a county department  
5 ~~under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, by the~~  
6 ~~department or a licensed child welfare agency under contract with the department~~  
7 chief judge of a judicial administrative district under s. 48.07 (5) to perform advocacy



1 services in proceedings under s. 48.13 or 48.133 or by a chief judge of a judicial  
2 administrative district under s. 938.07 (5) to perform advocacy services in  
3 proceedings under s. 938.13 (4), (6), (6m) or (7).

History: 1989 a. 31 ss. 1085, 1090, 1092 to 1094, 1099; 1989 a. 122, 336, 359; 1991 a. 39, 269; 1993 a. 16, 98, 446; 1995 a. 27 ss. 2301m to 2304, 2600, 2601; 1997 a. 27, 283.

4 SECTION 2. 48.07 (5) of the statutes is created to read:

5 48.07 (5) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM. (a) *Memorandum of*  
6 *understanding.* The court may obtain the services of a court-appointed special  
7 advocate program that has been recognized by the chief judge of the judicial  
8 administrative district. A chief judge of a judicial administrative district may  
9 recognize a court-appointed special advocate program by entering into a  
10 memorandum of understanding with the court-appointed special advocate program  
11 that specifies the responsibilities of the court-appointed special advocate program  
12 and of a court-appointed special advocate appointed under s. 48.236 (1). The  
13 memorandum of understanding shall specify that the court-appointed special  
14 advocate program is responsible for selecting, training, supervising and evaluating  
15 the volunteers participating in the program as provided in pars. (b) to (d).

16 (b) *Selection.* 1. A court-appointed special advocate program may select a  
17 person to participate in the program if the person is 21 years of age or ~~older~~, *older*  
18 demonstrates an interest in the welfare of children and unborn children, undergoes  
19 a satisfactory background investigation as provided under subd. 2., completes the  
20 training required under par. (c) and meets any other qualifications required by the  
21 court-appointed special advocate program or by the chief judge of the judicial  
22 administrative district.

23 2. On receipt of an application from a prospective court-appointed special  
24 advocate, the court-appointed special advocate program, with the assistance of the

1 department of justice, shall conduct a background investigation of the applicant. If  
2 the applicant has resided in this state for less than one year, or if the court-appointed  
3 special advocate program determines that the applicant's employment, licensing or  
4 state court records or any other information provides a reasonable basis for further  
5 investigation, the court-appointed special advocate program shall require the  
6 applicant to be fingerprinted on 2 fingerprint cards, each bearing a complete set of  
7 the applicant's fingerprints. The department of justice may provide for the  
8 submission of the fingerprint cards to the federal bureau of investigation for the  
9 purposes of verifying the identification of the applicant and obtaining the applicant's  
10 criminal arrest and conviction record. The court-appointed special advocate  
11 program shall keep confidential all information received from the department of  
12 justice and the federal bureau of investigation under this subdivision.

13 (c) *Training.* A court-appointed special advocate program shall require a  
14 volunteer selected under par. (b) to complete a training program before the volunteer  
15 may be appointed as a court-appointed special advocate under s. 48.236 (1).<sup>✓</sup> The  
16 training program shall include instruction on recognizing child abuse and neglect  
17 and unborn child abuse, cultural competency, as defined in s. 48.982 (1) (bm),<sup>✓</sup> child  
18 and unborn child development, the procedures of the court, permanency planning,  
19 the responsibilities of a court-appointed special advocate under s. 48.236 (3) and<sup>✓</sup>  
20 information gathering and documentation, and shall include observation of a  
21 proceeding under s. 48.13 or 48.133. A court-appointed special advocate program  
22 shall also require each volunteer to complete 10 hours of continuing training  
23 annually.

24 (d) *Supervision and evaluation.* The supervisory support staff of a  
25 court-appointed special advocate program shall be easily accessible to the

1 volunteers of the program, shall hold regular case conferences with those volunteers  
2 to review case progress and shall conduct annual performance evaluations of those  
3 volunteers. A court-appointed special advocate program shall provide its staff and  
4 volunteers with written guidelines describing the policies, practices and procedures  
5 of the program and the responsibilities of a volunteer with the program.

6 **SECTION 3.** 48.23 (3m) of the statutes is amended to read:

7 **48.23 (3m) GUARDIANS AD LITEM OR COUNSEL FOR ABUSED OR NEGLECTED CHILDREN.**

8 The court shall appoint counsel for any child alleged to be in need of protection or  
9 services under s. 48.13 (3), (3m), (10), (10m) and (11), except that if the child is less  
10 than 12 years of age the court may appoint a guardian ad litem instead of counsel.

11 The guardian ad litem or counsel for the child ~~shall~~ may not be the same act as  
12 counsel for any other party or any governmental or social agency involved in the  
13 proceeding and may not act as court-appointed special advocate for the child in the  
14 proceeding.

History: 1977 c. 354, 355, 447, 449; 1979 c. 300, 356; 1987 a. 27; 1987 a. 383; 1989 a. 31; Sup. Ct. Order, 151 W (2d) xxv (1989); 1989 a. 56, 107; 1991 a. 263; 1993 a. 377, 385, 395, 451, 491; 1995 a. 27, 77; 1997 a. 292.

15 **SECTION 4.** 48.23 (6) of the statutes is amended to read:

16 **48.23 (6) DEFINITION.** For the purposes of this section, “counsel” means an  
17 attorney acting as adversary counsel who shall advance and protect the legal rights  
18 of the party represented, and who may not act as guardian ad litem or  
19 court-appointed special advocate for any party in the same proceeding.

History: 1977 c. 354, 355, 447, 449; 1979 c. 300, 356; 1987 a. 27; 1987 a. 383; 1989 a. 31; Sup. Ct. Order, 151 W (2d) xxv (1989); 1989 a. 56, 107; 1991 a. 263; 1993 a. 377, 385, 395, 451, 491; 1995 a. 27, 77; 1997 a. 292.

20 **SECTION 5.** 48.235 (2) of the statutes is amended to read:

21 **48.235 (2) QUALIFICATIONS.** The guardian ad litem shall be an attorney  
22 admitted to practice in this state. No person who is an interested party in a  
23 proceeding, who appears as counsel or court-appointed special advocate in a

1 proceeding on behalf of any party or who is a relative or representative of an  
2 interested party in a proceeding may be appointed guardian ad litem in that  
3 proceeding.

History: Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 189, 263; 1993 a. 16, 318, 395; 1995 a. 27, 275; 1997 a. 237, 292, 334.

4 **SECTION 6.** 48.235 (3) (b) 3. of the statutes is created to read:

5 48.235 (3) (b) 3. Cooperate with the court-appointed special advocate for the  
6 child or unborn child who is the subject of the proceeding to represent the best  
7 interests of the child or unborn child.

8 **SECTION 7.** 48.236 of the statutes is created to read:

9 **48.236 Court-appointed special advocate. (1) APPOINTMENT.** In any  
10 proceeding under s. 48.13 or 48.133 in which the court finds that providing the  
11 services of a court-appointed special advocate would be in the best interests of the  
12 child or unborn child, the court may appoint a person who meets the qualifications  
13 specified in sub. (2) as a court-appointed special advocate to undertake the  
14 responsibilities specified in sub. (3) that are assigned by the court. The court shall  
15 make that appointment at the earliest possible stage of the proceeding. A  
16 court-appointed special advocate does not become a party to the proceeding solely  
17 on the basis of that appointment and, as a nonparty, may not make motions or call  
18 or cross-examine witnesses. An appointment under this ~~paragraph~~ <sup>subsection</sup> terminates  
19 when the jurisdiction of the court over the child under s. 48.13 or over the unborn  
20 child under s. 48.133 terminates, unless the court discharges the court-appointed  
21 special advocate sooner.

22 **(2) QUALIFICATIONS.** A court-appointed special advocate shall be a volunteer  
23 who has been selected and trained as provided in s. 48.07 (5) (b) and (c). No person  
24 who is an interested party in a proceeding, who appears as counsel or guardian ad

litem in a proceeding on behalf of any party or who is a relative or representative of an interested party in a proceeding may be appointed as a court-appointed special advocate in that proceeding.

(3) RESPONSIBILITIES. A court may assign <sup>to perform</sup> any of the following responsibilities to a court-appointed special advocate appointed under sub. (1):

(a) Gather information and make observations about the child for whom the appointment is made and the child's family or about the expectant mother of the unborn child for whom the appointment is made and, based on that information and those observations, make clear and specific recommendations to the court in the form of written reports or oral testimony, or both, concerning the best interests of the child or unborn child at every stage of the proceeding.

(b) Maintain regular contact with the child for whom the appointment is made or <sup>with the</sup> expectant mother of the unborn child for whom the appointment is made; monitor the appropriateness and safety of the environment of the child or expectant mother, the extent to which the child and the child's family or the expectant mother is complying with any informal disposition, consent decree or dispositional order of the court and with any permanency plan under s. 48.38, and the extent to which any agency that is required to provide services for the child and the child's family or for the expectant mother under an informal disposition, consent decree, dispositional order or permanency plan is complying with the informal disposition, consent, <sup>decree</sup> dispositional order or permanency plan; and, based on that regular contact and monitoring, make clear and specific recommendations to the court in the form of written reports or oral testimony, or both, concerning the best interests of the child or unborn child at every stage of the proceeding.

1 (c) Assist the guardian ad litem in advocating for the best interests of the child  
2 or unborn child at every stage of the proceeding.

3 (d) Undertake any other responsibilities assigned by the court that are  
4 consistent with the memorandum of understanding entered into under s. 48.07 (5)  
5 (a).

6 (4) AUTHORITY. A court that appoints a court-appointed special advocate to  
7 undertake the responsibilities specified in sub. (3) (a) or (b) shall include in the order  
8 of appointment an order authorizing the court-appointed special advocate to do any  
9 of the following:

records discoverable under s. 48.293,

10 (a) Inspect and copy any reports and records relating to the child who is the  
11 subject of the proceeding and the child's family or to the unborn child who is the  
12 subject of the proceeding and <sup>to the</sup> expectant mother that are relevant to the subject  
13 matter of the proceeding, including examination reports under s. 48.295 (2), law  
14 enforcement reports and records under s. 48.396 (1), court records under s. 48.396  
15 (2) (a), social welfare agency records under ss. 48.78 (2) (a) and 938.78 (2) (a), abuse  
16 and neglect reports and records under s. 48.981 (7) (a) 11r. and pupil records under  
17 s. 118.125 (2) (L). The order shall also require the custodian of any report or record  
18 specified in this paragraph to permit the court-appointed special advocate to inspect  
19 and copy the report or record on presentation by the court-appointed special  
20 advocate of a copy of the order. A court-appointed special advocate that obtains  
21 access to a report or record described in this paragraph shall keep the information  
22 contained in the report or record confidential and may disclose that information only  
23 to the court and to the parties to the proceeding.

24 (b) Observe the child who is the subject of the proceeding and the child's living  
25 environment and, if the child is old enough to communicate, interview the child;

1 interview the parent, guardian, legal custodian or other caregiver of the child or the  
2 expectant mother of the unborn child who is the subject of the proceeding and observe  
3 that person's living environment; and interview any other person who might possess  
4 any information relating to the child and the child's family or to the unborn child and  
5 expectant mother that is relevant to the subject of the proceeding. The order shall  
6 also require a parent, guardian, legal custodian or other caregiver to whom the  
7 court-appointed special advocate presents a copy of the order to permit the  
8 court-appointed special advocate to enter the person's dwelling for the purpose of  
9 observing the child and the child's living environment and to agree to be interviewed  
10 by the court-appointed special advocate at any reasonable time; require an  
11 expectant mother to whom the court-appointed special advocate presents a copy of  
12 the order to permit the court-appointed special advocate to enter her dwelling for the  
13 purpose of observing her living environment and to agree to be interviewed by the  
14 court-appointed special advocate at any reasonable time; and require any other  
15 person to whom the court-appointed special advocate presents a copy of the order to  
16 agree to be interviewed at any reasonable time. A court-appointed special advocate  
17 who obtains any information under this paragraph shall keep the information  
18 confidential and may disclose that information only to the court and to the parties  
19 to the proceeding.

20 (5) IMMUNITY FROM LIABILITY. A volunteer court-appointed special advocate  
21 appointed under sub. (1) or an employee of a court-appointed special advocate  
22 program recognized under s. 48.07 (5) is immune from civil liability for any act or  
23 omission of the volunteer or employee <sup>occurring while acting</sup> ~~done~~ within the scope of his or her  
24 responsibilities and authority as a volunteer court-appointed special advocate or  
25 employee of a court-appointed special advocate program.

appointed under sub.(1)

1           (6) COMMUNICATION TO A JURY. In jury trials under this chapter, a  
2 court-appointed special advocate or the court may tell the jury that the  
3 court-appointed special advocate represents the interests of the child or unborn  
4 child for whom the court-appointed special advocate was appointed.

5           (7) NO COMPENSATION. A court-appointed special advocate is not entitled to any  
6 compensation for performing the responsibilities for which he or she was appointed.

7           **SECTION 8.** 48.245 (2) (a) 5. of the statutes is created to read:

8           48.245 (2) (a) 5. That a court-appointed special advocate be appointed for the  
9 child or unborn child to maintain regular contact with the child or expectant mother  
10 of the unborn child; to monitor the appropriateness and safety of the environment  
11 of the child or expectant mother, the extent to which the child and the child's family  
12 or the expectant mother is complying with the informal disposition and the extent  
13 to which any agency that is required to provide services for the child and the child's  
14 family or for the expectant mother under the informal disposition is complying with  
15 the informal disposition; and, based on that regular contact and monitoring, to make  
16 clear and specific recommendations to the court in the form of written reports or oral  
17 testimony, or both, concerning the best interests of the child or unborn child. A  
18 court-appointed special advocate appointed under this subdivision<sup>✓</sup> shall have the  
19 authority specified in s. 48.236 (4).

20           **SECTION 9.** 48.245 (2r) of the statutes is amended to read:

21           48.245 (2r) If an informal disposition is based on allegations that a child or an  
22 unborn child is in need of protection or services, the intake worker may, after giving  
23 written notice to the child and, the child's parent, guardian and legal custodian and  
24 their counsel, if any, and the court-appointed special advocate for the child; or after  
25 giving written notice to the child expectant mother, her court-appointed special



1 advocate, her parent, guardian and legal custodian and their counsel, if any, and the  
2 unborn child by the unborn child's guardian ad litem, and the court appointed  
3 special advocate for the unborn child; or after giving written notice to the adult  
4 expectant mother, her counsel, if any, and the unborn child, by the unborn child's  
5 guardian ad litem, and the court-appointed special advocate for the unborn child;  
6 extend the informal disposition for up to an additional 6 months unless the child or  
7 the child's parent, guardian or legal custodian, the child expectant mother, her  
8 parent, guardian or legal custodian or the unborn child by the unborn child's  
9 guardian ad litem, or the adult expectant mother or the unborn child by the unborn  
10 child's guardian ad litem, objects to the extension. If the child or the child's parent,  
11 guardian or legal custodian, the child expectant mother, her parent, guardian or  
12 legal custodian or the unborn child by the unborn child's guardian ad litem, or the  
13 adult expectant mother or the unborn child by the unborn child's guardian ad litem,  
14 objects to the extension, the intake worker may recommend to the district attorney  
15 or corporation counsel that a petition be filed under s. 48.13 or 48.133. An extension  
16 under this subsection may be granted only once for any informal disposition. An  
17 extension under this subsection of an informal disposition relating to an unborn child  
18 who is alleged to be in need of protection or services may be granted after the child  
19 is born.

History: 1977 c. 354; 1979 c. 300, 331, 359; 1985 a. 311; 1987 a. 27, 285, 339, 403; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 275, 448; 1997 a. 80, 292.

20 **SECTION 10. 48.245 (3) of the statutes is amended to read:**

21 **48.245 (3)** The obligations imposed under an informal disposition and its  
22 effective date shall be set forth in writing. The child and a parent, guardian and legal  
23 custodian, the child expectant mother, her parent, guardian and legal custodian and  
24 the unborn child by the unborn child's guardian ad litem, or the adult expectant

1 mother and the unborn child by the unborn child's guardian ad litem, shall receive  
2 a copy, as shall any agency or court-appointed special advocate providing services  
3 under the agreement.

History: 1977 c. 354; 1979 c. 300, 331, 359; 1985 a. 311; 1987 a. 27, 285, 339, 403; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 275, 448; 1997 a. 80, 292.

4 **SECTION 11.** 48.27 (3) (a) 1. of the statutes is amended to read:

5 48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a  
6 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother  
7 who is a child, the court shall also notify, under s. 48.273, the child, any parent,  
8 guardian and legal custodian of the child, any foster parent, treatment foster parent  
9 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by  
10 the unborn child's guardian ad litem, if applicable, and any person specified in par.

11 (b) ~~or~~, (d) or (e), if applicable, of all hearings involving the child except hearings on  
12 motions for which notice need only be provided to the child and his or her counsel.

13 When parents who are entitled to notice have the same place of residence, notice to  
14 one shall constitute notice to the other. The first notice to any interested party, foster  
15 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)  
16 shall be written and may have a copy of the petition attached to it. Thereafter, notice  
17 of hearings may be given by telephone at least 72 hours before the time of the  
18 hearing. The person giving telephone notice shall place in the case file a signed  
19 statement of the time notice was given and the person to whom he or she spoke.

20 **SECTION 12.** 48.27 (3) (c) of the statutes is amended to read:

21 48.27 (3) (c) If the petition that was filed relates to facts concerning a situation  
22 under s. 48.133 involving an expectant mother who is an adult, the court shall notify,  
23 under s. 48.273, the unborn child by the unborn child's guardian ad litem, the  
24 expectant mother, the physical custodian of the expectant mother, if any, and any

1 person specified in par. (d) <sup>✓</sup>or (e), if applicable, of all hearings involving the unborn  
2 child and expectant mother except hearings on motions for which notice need only  
3 be provided to the expectant mother and her counsel and the unborn child through  
4 the unborn child's guardian ad litem. The first notice to any interested party shall  
5 be written and may have a copy of the petition attached to it. Thereafter, notice of  
6 hearings may be given by telephone at least 72 hours before the time of the hearing.  
7 The person giving telephone notice shall place in the case file a signed statement of  
8 the time notice was given and the person to whom he or she spoke.

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 W (2d) xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 13.93 (1) (b).

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 W (2d) xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 13.93 (1) (b).

9 **SECTION 13.** 48.27 (3) (e) of the statutes is created to read:

10 **48.27 (3) (e)** If the petition that was filed relates to facts concerning a situation  
11 under s. 48.13 or 48.133, the court shall also <sup>✓</sup>notify, under s. 48.273<sup>✓</sup>, the  
12 court-appointed special advocate for the child or unborn child of all hearings  
13 involving the child or unborn child. The first notice to a court-appointed special  
14 advocate shall be written and shall have a copy of the petition attached to it.  
15 Thereafter, notice of hearings may be given by telephone at least 72 hours before the  
16 time of the hearing. The person giving telephone notice shall place in the case file  
17 a signed statement of the time <sup>that</sup> notice was given and the person to whom he or she  
18 spoke.

19 **SECTION 14.** 48.293 (1) of the statutes is amended to read:

20 **48.293 (1)** Copies of all law enforcement officer reports, including ~~but not~~  
21 ~~limited to~~ the officer's memorandum and witnesses' statements, shall be made  
22 available upon request to counsel or guardian ad litem for any party and to the  
23 court-appointed special advocate for the child or unborn child prior to a plea hearing.

1 The reports shall be available through the representative of the public designated  
2 under s. 48.09. The identity of a confidential informant may be withheld pursuant  
3 to s. 905.10.

History: 1977 c. 354; 1985 a. 262; 1989 a. 121; 1993 a. 16; 1995 a. 77, 275; 1997 a. 292.

4 **SECTION 15.** 48.293 (2) of the statutes is amended to read:

5 48.293 (2) All records relating to a child, or to an unborn child and the unborn  
6 child's expectant mother, which are relevant to the subject matter of a proceeding  
7 under this chapter shall be open to inspection by a guardian ad litem or counsel for  
8 any party and to inspection by the court-appointed special advocate for the child or  
9 unborn child, upon demand and upon presentation of releases when necessary, at  
10 least 48 hours before the proceeding. Persons and unborn children, by their  
11 guardians ad litem, entitled to inspect the records may obtain copies of the records  
12 with the permission of the custodian of the records or with permission of the court.  
13 The court may instruct counsel not to disclose specified items in the materials to the  
14 child or the parent, or to the expectant mother, if the court reasonably believes that  
15 the disclosure would be harmful to the interests of the child or the unborn child.

History: 1977 c. 354; 1985 a. 262; 1989 a. 121; 1993 a. 16; 1995 a. 77, 275; 1997 a. 292.

16 **SECTION 16.** 48.295 (2) of the statutes is amended to read:

17 48.295 (2) The examiner shall file a report of the examination with the court  
18 by the date specified in the order. The court shall cause copies to be transmitted to  
19 the district attorney or corporation counsel, to counsel or guardian ad litem for the  
20 child and, if to the court-appointed special advocate for the child. If applicable, the  
21 court shall also cause copies to be transmitted to counsel or guardian ad litem for the  
22 unborn child and the unborn child's expectant mother and to the court-appointed  
23 special advocate for the unborn child. The report shall describe the nature of the  
24 examination and identify the persons interviewed, the particular records reviewed

1 and any tests administered to the child or expectant mother. The report shall also  
2 state in reasonable detail the facts and reasoning upon which the examiner's  
3 opinions are based.

History: 1977 c. 354; 1979 c. 300; 1985 a. 321; Sup. Ct. Order, 141 W (2d) xiii (1987); 1987 a. 339; 1993 a. 474; 1995 a. 77, 225, 448; 1997 a. 27, 292.

4 **SECTION 17. 48.299 (1) (ag) of the statutes is amended to read:**

5 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if  
6 a public hearing is not held, only the parties and their counsel or guardian ad litem,  
7 if any, the court-appointed special advocate for the child or unborn child, the child's  
8 foster parent, treatment foster parent or other physical custodian described in s.  
9 48.62 (2), witnesses and other persons requested by a party and approved by the  
10 court may be present, except that the court may exclude a foster parent, treatment  
11 foster parent or other physical custodian described in s. 48.62 (2) from any portion  
12 of the hearing if that portion of the hearing deals with sensitive personal information  
13 of the child or the child's family or if the court determines that excluding the foster  
14 parent, treatment foster parent or other physical custodian would be in the best  
15 interests of the child. Except in a proceeding under s. 48.375 (7), any other person  
16 the court finds to have a proper interest in the case or in the work of the court,  
17 including a member of the bar, may be admitted by the court.

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 W (2d) xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275;  
1997 a. 35, 252, 292, 334; s. 13.93 (2) (c).

18 **SECTION 18. 48.32 (1) of the statutes is amended to read:**

19 48.32 (1) At any time after the filing of a petition for a proceeding relating to  
20 s. 48.13 or 48.133 and before the entry of judgment, the judge or juvenile court  
21 commissioner may suspend the proceedings and place the child or expectant mother  
22 under supervision in the home or present placement of the child or expectant mother.  
23 The court may establish terms and conditions applicable to the child and the child's  
24 parent, guardian or legal custodian, to the child expectant mother and her parent,

guardian or legal custodian or to the adult expectant mother, including the condition specified in sub. (1b). The order under this section shall be known as a consent decree and must be agreed to by the child if 12 years of age or older, the parent, guardian or legal custodian, and the person filing the petition under s. 48.25; by the child expectant mother, her parent, guardian or legal custodian, the unborn child by the unborn child's guardian ad litem and the person filing the petition under s. 48.25; or by the adult expectant mother, the unborn child by the unborn child's guardian ad litem and the person filing the petition under s. 48.25. The consent decree shall be reduced to writing and given to the parties. *appoint* ✓

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292.

**SECTION 19.** 48.32 (1b) of the statutes is created to read:

*11* 48.32 (1b) The judge or juvenile court commissioner may ~~establish~~ *appoint* as a ~~condition~~ *requirement* under sub. (1) ~~that~~ a court-appointed special advocate be appointed for the child or unborn child to maintain regular contact with the child or expectant mother of the unborn child; to monitor the appropriateness and safety of the environment of the child or expectant mother, the extent to which the child and the child's family or the expectant mother is complying with the consent decree and the extent to which any agency that is required to provide services for the child and the child's family or for the expectant mother under the consent decree is complying with the consent decree; and, based on that regular contact and monitoring, to make clear and specific recommendations to the court in the form of written reports or oral testimony, or both, concerning the best interests of the child or unborn child. A court-appointed *subsection* special advocate appointed under this ~~subdivision~~ shall have the authority specified in s. 48.236 (4).

**SECTION 20.** 48.32 (2) (c) of the statutes is amended to read:

1           48.32 (2) (c) Upon the motion of the court or the application of the child, parent,  
2           guardian, legal custodian, expectant mother, unborn child by the unborn child's  
3           guardian ad litem, intake worker or any agency supervising the child or expectant  
4           mother under the consent decree, the court may, after giving notice to the parties to  
5           the consent decree ~~and~~, their counsel or guardian ad litem and the court-appointed  
6           special advocate for the child or unborn child, if any, extend the decree for up to an  
7           additional 6 months in the absence of objection to extension by the parties to the  
8           initial consent decree. If the child, parent, guardian, legal custodian, expectant  
9           mother or unborn child by the unborn child's guardian ad litem objects to the  
10          extension, the judge shall schedule a hearing and make a determination on the issue  
11          of extension. An extension under this paragraph of a consent decree relating to an  
12          unborn child who is alleged to be in need of protection or services may be granted  
13          after the child is born.

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292.

14          **SECTION 21.** 48.345 (2r) of the statutes is created to read:

15           48.345 (2r) Place the child as provided in sub. (2) or (2m) and, in addition,  
16           appoint a court-appointed special advocate for the child or unborn child to maintain  
17           regular contact with the child; to monitor the appropriateness and safety of the  
18           environment of the child, the extent to which the child and the child's family are  
19           complying with the dispositional order and the extent to which any agency that is  
20           required to provide services for the child and the child's family under the  
21           dispositional order is complying with the dispositional order; and, based on that  
22           regular contact and monitoring, to make clear and specific recommendations to the  
23           court in the form of written reports or oral testimony, or both, concerning the best

✓

1 interests of the child or unborn child. A court-appointed special advocate appointed  
2 under this subsection shall have the authority specified in s. 48.236 (4).

3 **SECTION 22.** 48.347 (2r) of the statutes is created to read:

4 48.347 (2r) Place the adult expectant mother as provided in sub. (2) and, in  
5 addition, appoint a court-appointed special advocate for the unborn child to  
6 maintain regular contact with the adult expectant mother of the unborn child; to  
7 monitor the appropriateness and safety of the environment of the adult expectant  
8 mother, the extent to which the adult expectant mother is complying with the  
9 dispositional order and the extent to which any agency that is required to provide  
10 services for the adult expectant mother under the dispositional order is complying  
11 with the dispositional order; and, based on that regular contact and monitoring, to  
12 make clear and specific recommendations to the court in the form of written reports  
13 or oral testimony, or both, concerning the best interests of the unborn child. A  
14 court-appointed special advocate appointed under this subsection shall have the  
15 authority specified in s. 48.236 (4).

16 **SECTION 23.** 48.355 (2) (d) of the statutes is amended to read:

17 48.355 (2) (d) The court shall provide a copy of a dispositional order relating  
18 to a child in need of protection or services to the child's parent, guardian or trustee,  
19 to the child through the child's counsel or guardian ad litem and to the child's  
20 court-appointed special advocate. The court shall provide a copy of a dispositional  
21 order relating to an unborn child in need of protection or services to the expectant  
22 mother, to the unborn child through the unborn child's guardian ad litem, to the



1 court-appointed special advocate for the unborn child and, if the expectant mother  
2 is a child, to her parent, guardian or trustee.

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292.

3 **SECTION 24.** 48.355 (2e) (c) of the statutes is amended to read:

4 48.355 (2e) (c) Either the court or the agency that prepared the permanency  
5 plan shall furnish a copy of the original plan and each revised plan to the child's  
6 parent or guardian, to the child or the child's counsel or guardian ad litem, to the  
7 child's court-appointed special advocate and to the person representing the interests  
8 of the public.

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292.

9 **SECTION 25.** 48.357 (1) of the statutes is amended to read:

10 48.357 (1) The person or agency primarily responsible for implementing the  
11 dispositional order, the district attorney or the corporation counsel may request a  
12 change in the placement of the child or expectant mother, whether or not the change  
13 requested is authorized in the dispositional order and shall cause written notice to  
14 be sent to the child, the parent, guardian and legal custodian of the child, any foster  
15 parent, treatment foster parent or other physical custodian described in s. 48.62 (2)  
16 of the child, the child's court-appointed special advocate and, if the child is the  
17 expectant mother of an unborn child under s. 48.133, the unborn child by the unborn  
18 child's guardian ad litem and the unborn child's court-appointed special advocate.  
19 If the expectant mother is an adult, written notice shall be sent to the adult expectant  
20 mother and, the unborn child by the unborn child's guardian ad litem and the unborn  
21 child's court-appointed special advocate. The notice shall contain the name and  
22 address of the new placement, the reasons for the change in placement, a statement  
23 describing why the new placement is preferable to the present placement and a

other than a court-appointed  
special advocate,

1 statement of how the new placement satisfies objectives of the treatment plan  
2 ordered by the court. Any person receiving the notice under this subsection or notice  
3 of a specific placement under s. 48.355 (2) (b) 2, may obtain a hearing on the matter  
4 by filing an objection with the court within 10 days after receipt of the notice.  
5 Placements may not be changed until 10 days after that notice is sent to the court  
6 unless the parent, guardian or legal custodian and the child, if 12 years of age or over,  
7 or the child expectant mother, if 12 years of age or over, her parent, guardian or legal  
8 custodian and the unborn child by the unborn child's guardian ad litem, or the adult  
9 expectant mother and the unborn child by the unborn child's guardian ad litem, sign  
10 written waivers of objection, except that placement changes which were authorized  
11 in the dispositional order may be made immediately if notice is given as required in  
12 this subsection. In addition, a hearing is not required for placement changes  
13 authorized in the dispositional order except when an objection filed by a person who  
14 received notice alleges that new information is available which affects the  
15 advisability of the court's dispositional order.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292.

16 **SECTION 26.** 48.357 (2m) of the statutes is amended to read:

17 **48.357 (2m)** The child, the parent, guardian or legal custodian of the child, the  
18 expectant mother, the unborn child by the unborn child's guardian at litem or any  
19 person or agency primarily bound by the dispositional order, other than the person  
20 or agency responsible for implementing the order, may request a change in  
21 placement under this subsection. The request shall contain the name and address  
22 of the place of the new placement requested and shall state what new information  
23 is available which affects the advisability of the current placement. This request  
24 shall be submitted to the court. In addition, the court may propose a change in

persons

other than a court-appointed  
special advocate

1 placement on its own motion. The court shall hold a hearing on the matter prior to  
 2 ordering any change in placement under this subsection if the request states that  
 3 new information is available which affects the advisability of the current placement,  
 4 unless written waivers of objection to the proposed change in placement are signed  
 5 by all ~~parties~~ <sup>persons</sup> entitled to receive notice under sub. (1) and the court approves. If a  
 6 hearing is scheduled, the court shall notify the child, the parent, guardian and legal  
 7 custodian of the child, any foster parent, treatment foster parent or other physical  
 8 custodian described in s. 48.62 (2) of the child, the child's court-appointed special  
 9 advocate, all parties who are bound by the dispositional order and, if the child is the  
 10 expectant mother of an unborn child under s. 48.133, the unborn child by the unborn  
 11 child's guardian ad litem and the unborn child's court-appointed special advocate,  
 12 or shall notify the adult expectant mother, the unborn child by the unborn child's  
 13 guardian ad litem, the unborn child's court-appointed special advocate and all  
 14 parties who are bound by the dispositional order, at least 3 days prior to the hearing.  
 15 A copy of the request or proposal for the change in placement shall be attached to the  
 16 notice. If all the parties consent, the court may proceed immediately with the  
 17 hearing.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292.

18 **SECTION 27.** 48.363 (1) of the statutes is amended to read:

19 48.363 (1) A child, the child's parent, guardian or legal custodian, an expectant  
 20 mother, an unborn child by the unborn child's guardian ad litem, any person or  
 21 agency bound by a dispositional order or the district attorney or corporation counsel  
 22 in the county in which the dispositional order was entered may request a revision in  
 23 the order that does not involve a change in placement, including a revision with  
 24 respect to the amount of child support to be paid by a parent, or the court may on its

1 own motion propose such a revision. The request or court proposal shall set forth in  
2 detail the nature of the proposed revision and what new information is available that  
3 affects the advisability of the court's disposition. The request or court proposal shall  
4 be submitted to the court. The court shall hold a hearing on the matter if the request  
5 or court proposal indicates that new information is available which affects the  
6 advisability of the court's dispositional order and prior to any revision of the  
7 dispositional order, unless written waivers of objections to the revision are signed by  
8 all parties entitled to receive notice and the court approves. If a hearing is held, the  
9 court shall notify the child, the child's parent, guardian and legal custodian, all  
10 parties bound by the dispositional order, the child's foster parent, treatment foster  
11 parent or other physical custodian described in s. 48.62 (2), the child's  
12 court-appointed special advocate, the district attorney or corporation counsel in the  
13 county in which the dispositional order was entered, and, if the child is the expectant  
14 mother of an unborn child under s. 48.133, the unborn child by the unborn child's  
15 guardian ad litem and the unborn child's court-appointed special advocate or shall  
16 notify the adult expectant mother, the unborn child through the unborn child's  
17 guardian ad litem, the unborn child's court-appointed special advocate, all parties  
18 bound by the dispositional order and the district attorney or corporation counsel in  
19 the county in which the dispositional order was entered, at least 3 days prior to the  
20 hearing. A copy of the request or proposal shall be attached to the notice. If the  
21 proposed revision is for a change in the amount of child support to be paid by a parent,  
22 the court shall order the child's parent to provide a statement of income, assets, debts  
23 and living expenses to the court and the person or agency primarily responsible for  
24 implementing the dispositional order by a date specified by the court. The clerk of  
25 court shall provide, without charge, to any parent ordered to provide a statement of

1 income, assets, debts and living expenses a document setting forth the percentage  
2 standard established by the department of workforce development under s. 49.22 (9)  
3 and the manner of its application established by the department of health and family  
4 services under s. 46.247 and listing the factors that a court may consider under s.  
5 46.10 (14) (c). If all parties consent, the court may proceed immediately with the  
6 hearing. No revision may extend the effective period of the original order.

History: 1977 c. 354; 1979 c. 300; 1985 a. 172; 1993 a. 481; 1995 a. 275, 404; 1997 a. 3, 80, 237, 292.

7 **SECTION 28.** 48.365 (2) of the statutes is amended to read:

8 48.365 (2) No order may be extended without a hearing. The court shall notify  
9 the child, the child's parent, guardian and legal custodian, all the parties present at  
10 the original hearing, the child's foster parent, treatment foster parent or other  
11 physical custodian described in s. 48.62 (2), the child's court-appointed special  
12 advocate, the district attorney or corporation counsel in the county in which the  
13 dispositional order was entered and, if the child is an expectant mother of an unborn  
14 child under s. 48.133, the unborn child by the unborn child's guardian ad litem and  
15 the unborn child's court-appointed special advocate, or shall notify the adult  
16 expectant mother, the unborn child through the unborn child's guardian ad litem, the  
17 unborn child's court-appointed special advocate, all the parties present at the  
18 original hearing and the district attorney or corporation counsel in the county in  
19 which the dispositional order was entered, of the time and place of the hearing.

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; s. 13.93 (2) (c).

20 **SECTION 29.** 48.38 (5) (b) of the statutes is amended to read:

21 48.38 (5) (b) The court or the agency shall notify the parents of the child, the  
22 child if he or she is 12 years of age or older and the child's foster parent, the child's  
23 treatment foster parent or the operator of the facility in which the child is living of  
24 the date, time and place of the review, of the issues to be determined as part of the

1 review, of the fact that they may have an opportunity to be heard at the review by  
2 submitting written comments not less than 10 working days before the review or by  
3 participating at the review. The court or agency shall notify the person representing  
4 the interests of the public, the child's counsel ~~and~~, the child's guardian ad litem and  
5 the child's court-appointed special advocate of the date of the review, of the issues  
6 to be determined as part of the review and of the fact that they may submit written  
7 comments not less than 10 working days before the review. The notices under this  
8 paragraph shall be provided in writing not less than 30 days before the review and  
9 copies of the notices shall be filed in the child's case record.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237.

10 **SECTION 30.** 48.38 (5) (d) of the statutes is amended to read:

11 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the  
12 permanency plan shall, at least 5 days before a review by a review panel, provide to  
13 each person appointed to the review panel, the person representing the interests of  
14 the public, the child's counsel ~~and~~, the child's guardian ad litem and the child's  
15 court-appointed special advocate a copy of the permanency plan and any written  
16 comments submitted under par. (b). Notwithstanding s. 48.78 (2) (a), a person  
17 appointed to a review panel, the person representing the interests of the public, the  
18 child's counsel ~~and~~, the child's guardian ad litem and the child's court-appointed  
19 special advocate may have access to any other records concerning the child for the  
20 purpose of participating in the review. A person permitted access to a child's records  
21 under this paragraph may not disclose any information from the records to any other  
22 person.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237.

23 **SECTION 31.** 48.38 (5) (e) of the statutes is amended to read:

1           48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of  
2           the determinations under par. (c) and shall provide a copy to the court that entered  
3           the order, the child or the child's counsel or guardian ad litem, the person  
4           representing the interests of the public, the child's parent or guardian, the child's  
5           court-appointed special advocate and the child's foster parent, the child's treatment  
6           foster parent or the operator of the facility where the child is living.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237.

7           **SECTION 32.** 48.981 (2) of the statutes is amended to read:

8           **48.981 (2) PERSONS REQUIRED TO REPORT.** A physician, coroner, medical  
9           examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or  
10          mental health professional, social worker, marriage and family therapist,  
11          professional counselor, public assistance worker, including a financial and  
12          employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or  
13          counselor, mediator under s. 767.11, child care worker in a day care center or child  
14          caring institution, day care provider, alcohol or other drug abuse counselor, member  
15          of the treatment staff employed by or working under contract with a county  
16          department under s. 46.23, 51.42 or 51.437, physical therapist, occupational  
17          therapist, dietitian, speech-language pathologist, audiologist, emergency medical  
18          technician, court-appointed special advocate or police or law enforcement officer  
19          having reasonable cause to suspect that a child seen in the course of professional  
20          duties has been abused or neglected or having reason to believe that a child seen in  
21          the course of professional duties has been threatened with abuse or neglect and that  
22          abuse or neglect of the child will occur shall, except as provided under sub. (2m),  
23          report as provided in sub. (3). Any other person, including an attorney, having reason  
24          to suspect that a child has been abused or neglected or reason to believe that a child

1 has been threatened with abuse or neglect and that abuse or neglect of the child will  
2 occur may make such a report. Any person, including an attorney having reason to  
3 suspect that an unborn child has been abused or reason to believe that an unborn  
4 child is at substantial risk of abuse may report as provided in sub. (3). No person  
5 making a report under this subsection may be discharged from employment for so  
6 doing.

History: Sup. Ct. Order, 59 W (2d) R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; s. 13.93 (2) (c).

7 **SECTION 33.** 48.981 (7) (a) 11r. of the statutes is amended to read:

8 48.981 (7) (a) 11r. A volunteer appointed court-appointed special advocate  
9 appointed under s. 48.236 (1) or 938.236 (1) or person employed by a court-appointed  
10 special advocate program recognized by the county board or the county department  
11 or, in a county having a population of 500,000 or more, the department or a licensed  
12 child welfare agency under contract with the department chief judge of a judicial  
13 administrative district under s. 48.07 (5) or 938.07 (5), to the extent necessary for the  
14 court-appointed special advocate to perform the advocacy services specified in s.  
15 48.236 (3) or 938.236 (3) that the court-appointed special advocate was appointed to  
16 perform in proceedings related to a petition under s. 48.13 or 48.133 for which the  
17 court-appointed special advocate program is recognized by the county board, county  
18 department or department or 938.13 (4), (6), (6m) or (7).

History: Sup. Ct. Order, 59 W (2d) R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; s. 13.93 (2) (c).

19 **SECTION 34.** 118.125 (2) (L) of the statutes is amended to read:

20 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in  
21 compliance with a court order under s. 48.236 (4) (a), 48.345 (12) (b), 938.236 (4) (a),



1 938.34 (7d) (b), 938.396 (1m) (c) or (d) or 938.78 (2) (b) 2. after making a reasonable  
2 effort to notify the pupil's parent or legal guardian.

History: 1973 c. 254; 1977 c. 418; 1979 c. 205; 1981 c. 20, 273; 1983 a. 189; 1985 a. 218; 1987 a. 27, 70, 206, 285, 337, 355; 1987 a. 399 s. 491r; 1987 a. 403 ss. 123, 124, 256; 1989 a. 31, 168; 1989 a. 201 s. 36; 1989 a. 336; 1991 a. 39, 189; 1993 a. 27, 172, 334, 377, 385, 399, 450, 491; 1995 a. 27 ss. 3939, 3940, 9126 (19), 9130 (4), 9145 (1); 1995 a. 77, 173, 225, 352; 1997 a. 3, 27, 205, 237, 239.

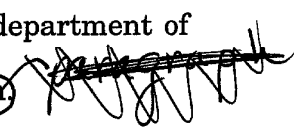
History: 1989 a. 31 ss. 1085, 1090, 1092 to 1094, 1099; 1989 a. 122, 336, 359; 1991 a. 39, 269; 1993 a. 16, 98, 446; 1995 a. 27 ss. 2301m to 2304, 2600, 2601; 1997 a. 27, 283.

3 **SECTION 35.** 938.07 (5) of the statutes is created to read:

4 938.07 (5) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM. (a) *Memorandum of*  
5 *understanding.* The court may obtain the services of a court-appointed special  
6 advocate program that has been recognized by the chief judge of the judicial  
7 administrative district. A chief judge of a judicial administrative district may  
8 recognize a court-appointed special advocate program by entering into a  
9 memorandum of understanding with the court-appointed special advocate program  
10 that specifies the responsibilities of the court-appointed special advocate program  
11 and of a court-appointed special advocate appointed under s. 938.236 (1). The  
12 memorandum of understanding shall specify that the court-appointed special  
13 advocate program is responsible for selecting, training, supervising and evaluating  
14 the volunteers participating in the program as provided in pars. (b) to (d).

15 (b) *Selection.* 1. A court-appointed special advocate program may select a  
16 person to participate in the program if the person is 21 years of age or ~~older~~, *older*  
17 demonstrates an interest in the welfare of juveniles, undergoes a satisfactory  
18 background investigation as provided under subd. 2., completes the training  
19 required under par. (c) and meets any other qualifications required by the  
20 court-appointed special advocate program or by the chief judge of the judicial  
21 administrative district.

22 2. On receipt of an application from a prospective court-appointed special  
23 advocate, the court-appointed special advocate program, with the assistance of the

1 department of justice, shall conduct a background investigation of the applicant. If  
2 the applicant has resided in this state for less than one year, or if the court-appointed  
3 special advocate program determines that the applicant's employment, licensing or  
4 state court records or any other information provides a reasonable basis for further  
5 investigation, the court-appointed special advocate program shall require the  
6 applicant to be fingerprinted on 2 fingerprint cards, each bearing a complete set of  
7 the applicant's fingerprints. The department of justice may provide for the  
8 submission of the fingerprint cards to the federal bureau of investigation for the  
9 purposes of verifying the identification of the applicant and obtaining the applicant's  
10 criminal arrest and conviction record. The court-appointed special advocate  
11 program shall keep confidential all information received from the department of  
12 justice and the federal bureau of investigation under this <sup>5+ET</sup> ~~subdivision~~ 

13 (c) *Training*. A court-appointed special advocate program shall require a  
14 volunteer selected under par. (b) to complete a training program before the volunteer  
15 may be appointed as a court-appointed special advocate under s. 938.236 (1). The  
16 training program shall include instruction on recognizing child abuse and neglect,  
17 cultural competency, as defined in s. 48.982 (1) (bm), child development, the  
18 procedures of the court, permanency planning, the responsibilities of a  
19 court-appointed special advocate under s. 938.236 (3) and information gathering  
20 and documentation, and shall include observation of a proceeding under s. 938.13 (4),  
21 (6), (6m) or (7). A court-appointed special advocate program shall also require each  
22 volunteer to complete 10 hours of continuing training annually.

23 (d) *Supervision and evaluation*. The supervisory support staff of a  
24 court-appointed special advocate program shall be easily accessible to the  
25 volunteers of the program, shall hold regular case conferences with those volunteers

1 to review case progress and shall conduct annual performance evaluations of those  
2 volunteers. A court-appointed special advocate program shall provide its staff and  
3 volunteers with written guidelines describing the policies, practices and procedures  
4 of the program and the responsibilities of a volunteer with the program.

5 **SECTION 36.** 938.23 (6) of the statutes is amended to read:

6 938.23 (6) DEFINITION. For the purposes of this section, "counsel" means an  
7 attorney acting as adversary counsel who shall advance and protect the legal rights  
8 of the party represented, and who may not act as guardian ad litem or  
9 court-appointed special advocate for any party in the same proceeding.

10 **SECTION 37.** 938.235 (2) of the statutes is amended to read:

11 938.235 (2) QUALIFICATIONS. The guardian ad litem shall be an attorney  
12 admitted to practice in this state. No person who is an interested party in a  
13 proceeding, who appears as counsel or court-appointed special advocate in a  
14 proceeding on behalf of any party or who is a relative or representative of an  
15 interested party in a proceeding may be appointed guardian ad litem in that  
16 proceeding.

History: 1995 a. 77, 275; 1997 a. 237.

History: 1995 a. 77.

17 **SECTION 38.** 938.235 (3) (b) 3. of the statutes is created to read:

18 938.235 (3) (b) 3. Cooperate with the court-appointed special advocate for the  
19 juvenile who is the subject of the proceeding to represent the best interests of the  
20 juvenile.

21 **SECTION 39.** 938.236 of the statutes is created to read:

22 **938.236 Court-appointed special advocate. (1) APPOINTMENT.** In any  
23 proceeding under s. 938.13 (4), (6), (6m) or (7) in which the court finds that providing  
24 the services of a court-appointed special advocate would be in the best interests of

1 the juvenile, the court may appoint a person who meets the qualifications specified  
2 in sub. (2)<sup>as</sup> a court-appointed special advocate to undertake the responsibilities  
3 specified in sub. (3) that are assigned by the court. The court shall make that  
4 appointment at the earliest possible stage of the proceeding. A court-appointed  
5 special advocate does not become a party to the proceeding solely on the basis of that  
6 appointment and, as a nonparty, may not make motions or call or cross-examine  
7 witnesses. An appointment under this ~~paragraph~~<sup>subsection</sup> terminates when the jurisdiction  
8 of the court over the juvenile under s. 938.13 (4), (6), (6m) or (7) terminates, unless  
9 the court discharges the court-appointed special advocate sooner.

10 (2) QUALIFICATIONS. A court-appointed special advocate shall be a volunteer  
11 who has been selected and trained as provided in s. 938.07 (5) (b) and (c). No person  
12 who is an interested party in a proceeding, who appears as counsel or guardian ad  
13 litem in a proceeding on behalf of any party or who is a relative or representative of  
14 an interested party in a proceeding may be appointed as a court-appointed special  
15 advocate in that proceeding.

16 (3) RESPONSIBILITIES. A court may assign <sup>to perform</sup> any of the following responsibilities  
17 to a court-appointed special advocate appointed under sub. (1):

✓ 18 (a) Gather information and make observations about the juvenile for whom the  
19 appointment is made and the juvenile's family and, based on that information and  
20 those observations, make clear and specific recommendations to the court in the form  
21 of written reports or oral testimony, or both, concerning the best interests of the  
22 juvenile at every stage of the proceeding.

23 (b) Maintain regular contact with the juvenile for whom the appointment is  
24 made; monitor the appropriateness and safety of the environment of the juvenile, the  
25 extent to which the juvenile and the juvenile's family are complying with any

1 deferred prosecution agreement, consent decree or dispositional order of the court  
2 and with any permanency plan under s. 938.38, and the extent to which any agency  
3 that is required to provide services for the juvenile and the juvenile's family under  
4 a deferred prosecution agreement, consent decree, dispositional order or  
5 permanency plan is complying with the deferred prosecution agreement, consent,  
6 dispositional order or permanency plan; and, based on that regular contact and  
7 monitoring, make clear and specific recommendations to the court in the form of  
8 written reports or oral testimony, or both, concerning the best interests of the  
9 juvenile at every stage of the proceeding.

10 (c) Assist the guardian ad litem in advocating for the best interests of the  
11 juvenile at every stage of the proceeding.

12 (d) Undertake any other responsibilities assigned by the court that are  
13 consistent with the memorandum of understanding entered into under s. 938.07 (1)

14 (a).

15 (4) AUTHORITY. A court that appoints a court-appointed special advocate to  
16 undertake the responsibilities specified in sub. (3) (a) or (b) shall include in the order  
17 of appointment an order authorizing the court-appointed special advocate to do any  
18 of the following: records discoverable under s. 938.293,

19 (a) Inspect and copy any reports and records relating to the juvenile who is the  
20 subject of the proceeding and the juvenile's family that are relevant to the subject  
21 matter of the proceeding, including examination reports under s. 938.295 (2) (b), law  
22 enforcement reports and records under s. 938.396 (1), court records under s. 938.396  
23 (2) (a), social welfare agency records under s. 48.78 (2) (a) and 938.78 (2) (a), abuse  
24 and neglect reports and records under s. 48.981 (7) (a) 11r. and pupil records under  
25 s. 118.125 (2) (L). The order shall also require the custodian of any report or record

1 specified in this paragraph to permit the court-appointed special advocate to inspect  
2 and copy the report or record on presentation by the court-appointed special  
3 advocate of a copy of the order. A court-appointed special advocate that obtains  
4 access to a report or record described in this paragraph shall keep the information  
5 contained in the report or record confidential and may disclose that information only  
6 to the court and to the parties to the proceeding.

7 (b) Observe the juvenile who is the subject of the proceeding and the juvenile's  
8 living environment and, if the juvenile is old enough to communicate, interview the  
9 juvenile; interview the parent, guardian, legal custodian or other caregiver of the  
10 juvenile and observe that person's living environment; and interview any other  
11 person who might possess any information relating to the juvenile and the juvenile's  
12 family that is relevant to the subject of the proceeding. The order shall also require  
13 a parent, guardian, legal custodian or other caregiver to whom the court-appointed  
14 special advocate presents a copy of the order to permit the court-appointed special  
15 advocate to enter the person's dwelling for the purpose of observing the juvenile and  
16 the juvenile's living environment and to agree to be interviewed by the  
17 court-appointed special advocate at any reasonable time; and require any other  
18 person to whom the court-appointed special advocate presents a copy of the order to  
19 agree to be interviewed at any reasonable time. A court-appointed special advocate  
20 who obtains any information under this paragraph shall keep the information  
21 confidential and may disclose that information only to the court and to the parties  
22 to the proceeding.

23 (5) IMMUNITY FROM LIABILITY. A volunteer court-appointed special advocate  
24 appointed under sub. (1) or an employee of a court-appointed special advocate  
25 program recognized under s. 938.07 (5) is immune from civil liability for any act or

1 omission of the volunteer or employee <sup>occurring while acting</sup> ~~done~~ within the scope of his or her  
2 responsibilities and authority as a volunteer court-appointed special advocate or  
3 employee of a court-appointed special advocate program. <sup>appointed under sub. (1)</sup>

4 (6) NO COMPENSATION. A court-appointed special advocate is not entitled to any  
5 compensation for performing the responsibilities for which he or she was appointed.

6 SECTION 40. 938.245 (2b) of the statutes is created to read:

7 938.245 (2b) If the deferred prosecution agreement is based on an allegation  
8 that the jurisdiction of the court, if sought, would exist under s. 938.13 (4), (6), (6m)  
9 or (7), the deferred prosecution agreement may require that a court-appointed  
10 special advocate be appointed for the juvenile to maintain regular contact with the  
11 juvenile; to monitor the appropriateness and safety of the environment of the  
12 juvenile, the extent to which the juvenile and the juvenile's family are complying  
13 with the deferred prosecution agreement and the extent to which any agency that is  
14 required to provide services for the juvenile and the juvenile's family under the  
15 deferred prosecution agreement is complying with the deferred prosecution  
16 agreement; and, based on that regular contact and monitoring, to make clear and  
17 specific recommendations to the court in the form of written reports or oral  
18 testimony, or both, concerning the best interests of the juvenile. A court-appointed  
19 special advocate appointed under this <sup>subdivision</sup> ~~subdivision~~ shall have the authority specified  
20 in s. 938.236 (4). <sub>subsection</sub>

21 SECTION 41. 938.245 (3) of the statutes is amended to read:

22 938.245 (3) The obligations imposed under a deferred prosecution agreement  
23 and its effective date shall be set forth in writing. If the deferred prosecution  
24 agreement places the juvenile in a youth village program under sub. (2) (a) 9., the  
25 judge or juvenile court commissioner shall receive written notice that a deferred

1 prosecution agreement has been entered into and, on receipt of that notice, shall  
2 enter an order requiring compliance with that agreement. The juvenile and a parent,  
3 guardian and legal custodian shall receive a copy of the agreement and order, as shall  
4 any agency or court-appointed special advocate providing services under the  
5 agreement.

History: 1995 a. 77, 352, 448; 1997 a. 80, 181, 183, 205, 239, 292; s. 13.93 (2) (c).

6 **SECTION 42.** 938.245 (5) of the statutes is amended to read:

7 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2b),  
8 (2g) or (2v) <sup>✓</sup> may be terminated upon the request of the juvenile, parent, guardian or  
9 legal custodian. A deferred prosecution agreement under sub. (2) (a) 9. may be  
10 terminated by the court upon the request of the juvenile, parent, guardian or legal  
11 custodian.

History: 1995 a. 77, 352, 448; 1997 a. 80, 181, 183, 205, 239, 292; s. 13.93 (2) (c).

12 **SECTION 43.** 938.27 (3) (a) 1. of the statutes is amended to read:

13 938.27 (3) (a) 1. The court shall also notify, under s. 938.273, the juvenile, any  
14 parent, guardian and legal custodian of the juvenile, any foster parent, treatment  
15 foster parent or other physical custodian described in s. 48.62 (2) of the juvenile and  
16 any person specified in par. (b) or (c), <sup>✓</sup> if applicable, of all hearings involving the  
17 juvenile ~~under this subchapter~~, except hearings on motions for which notice need  
18 only be provided to the juvenile and his or her counsel. Where parents entitled to  
19 notice have the same place of residence, notice to one shall constitute notice to the  
20 other. The first notice to any interested party, foster parent, treatment foster parent  
21 or other physical custodian described in s. 48.62 (2) shall be written and may have  
22 a copy of the petition attached to it. Thereafter, notice of hearings may be given by  
23 telephone at least 72 hours before the time of the hearing. The person giving



1 telephone notice shall place in the case file a signed statement of the time notice was  
2 given and the person to whom he or she spoke.

History: 1995 a. 77, 275; 1997 a. 80, 181, 237.

3 **SECTION 44.** 938.27 (3) (c) of the statutes is created to read:

4 938.27(3) (c) If the petition that was filed relates to facts concerning a situation  
5 under s. 938.13 (4), (6), (6m) or (7), the court shall also notify, under s. 938.273, the  
6 court-appointed special advocate for the juvenile of all hearings involving the  
7 juvenile. The first notice to a court-appointed special advocate shall be written and  
8 shall have a copy of the petition attached to it. Thereafter, notice of hearings may be  
9 given by telephone at least 72 hours before the time of the hearing. The person giving  
10 telephone notice shall place in the case file a signed statement of the time notice was *that*  
11 given and the person to whom he or she spoke.

12 **SECTION 45.** 938.293 (1) of the statutes is amended to read:

13 938.293 (1) Copies of all law enforcement officer reports, including ~~but not~~  
14 ~~limited to~~ the officer's memorandum and witnesses' statements, shall be made  
15 available upon request to counsel or guardian ad litem for any party and to the  
16 court-appointed special advocate for the juvenile prior to a plea hearing. The reports  
17 shall be available through the representative of the public designated under s.  
18 938.09. The juvenile, through counsel or guardian ad litem, is the only party who  
19 shall have access to the reports in proceedings under s. 938.12, 938.125 or 938.13  
20 (12). The identity of a confidential informant may be withheld pursuant to s. 905.10.

History: 1995 a. 77, 387; 1997 a. 35.

21 **SECTION 46.** 938.293 (2) of the statutes is amended to read:

22 938.293 (2) All records relating to a juvenile which are relevant to the subject  
23 matter of a proceeding under this chapter shall be open to inspection by a guardian  
24 ad litem or counsel for any party and to inspection by the court-appointed special

1     advocate for the juvenile, upon demand and upon presentation of releases where  
2     necessary, at least 48 hours before the proceeding. Persons entitled to inspect the  
3     records may obtain copies of the records with the permission of the custodian of the  
4     records or with the permission of the court. The court may instruct counsel not to  
5     disclose specified items in the materials to the juvenile or the parent if the court  
6     reasonably believes that the disclosure would be harmful to the interests of the  
7     juvenile. Sections 971.23 and 972.11 (5) shall be applicable in all delinquency  
8     proceedings under this chapter, except that the court shall establish the timetable  
9     for the disclosures required under ss. 971.23 (1), (2m) and (8) and 972.11 (5).

History: 1995 a. 77, 387; 1997 a. 35.

10     **SECTION 47.** 938.295 (2) (b) of the statutes is amended to read:

11             938.295 (2) (b) The examiner shall file a report of the examination with the  
12     court by the date specified in the order. The court shall cause copies to be transmitted  
13     to the district attorney or corporation counsel ~~and, to the juvenile's counsel or~~  
14     guardian ad litem and, if applicable, to the juvenile's court-appointed special  
15     advocate. The report shall describe the nature of the examination and identify the  
16     persons interviewed, the particular records reviewed and any tests administered to  
17     the juvenile. If the examination is ordered following a plea under s. 938.30 (4) (c),  
18     the report shall also contain an opinion regarding whether the juvenile suffered from  
19     mental disease or defect at the time of the commission of the act alleged in the  
20     petition and, if so, whether this caused the juvenile to lack substantial capacity to  
21     appreciate the wrongfulness of his or her conduct or to conform his or her conduct to  
22     the requirements of the law. If the examination is ordered following a finding that  
23     there is probable cause to believe that the juvenile has committed the alleged offense  
24     and that there is reason to doubt the juvenile's competency to proceed, the report

1 shall also contain an opinion regarding the juvenile's present mental capacity to  
2 understand the proceedings and assist in his or her defense and, if the examiner  
3 reports that the juvenile lacks competency to proceed, the examiner's opinion  
4 regarding the likelihood that the juvenile, if provided treatment, may be restored to  
5 competency within the time specified in s. 938.30 (5) (e) 1. The report shall also state  
6 in reasonable detail the facts and reasoning upon which the examiner's opinions are  
7 based.

History: 1995 a. 77, 448.

8 **SECTION 48.** 938.299 (1) (a) of the statutes is amended to read:

9 938.299 (1) (a) Except as provided in par. (ar), the general public shall be  
10 excluded from hearings under this chapter unless a public fact-finding hearing is  
11 demanded by a juvenile through his or her counsel. The court shall refuse to grant  
12 the public hearing, however, if the victim of an alleged sexual assault objects or, in  
13 a nondelinquency proceeding, if a parent or guardian objects. If a public hearing is  
14 not held, only the parties, their counsel, witnesses, the juvenile's court-appointed  
15 special advocate, a representative of the news media who wishes to attend the  
16 hearing for the purpose of reporting news without revealing the identity of the  
17 juvenile involved and other persons requested by a party and approved by the court  
18 may be present. Any other person the court finds to have a proper interest in the case  
19 or in the work of the court, including a member of the bar, may be admitted by the  
20 court.

History: 1995 a. 77, 275, 352; 1997 a. 35, 205, 252, 296; s. 13.93 (2) (c).

21 **SECTION 49.** 938.32 (1) (a) of the statutes is amended to read:

22 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating  
23 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court  
24 commissioner may suspend the proceedings and place the juvenile under

1 supervision in the juvenile's own home or present placement or in a youth village  
2 program as described in s. 118.42. The court may establish terms and conditions  
3 applicable to the parent, guardian or legal custodian, and to the juvenile, including  
4 any of the conditions specified in subs. (1b), (1d), (1g), (1m), (1t), (1v) and (1x). The  
5 order under this section shall be known as a consent decree and must be agreed to  
6 by the juvenile; the parent, guardian or legal custodian; and the person filing the  
7 petition under s. 938.25. If the consent decree includes any conditions specified in  
8 sub. (1g), the consent decree shall include provisions for payment of the services as  
9 specified in s. 938.361. The consent decree shall be reduced to writing and given to  
10 the parties.

History: 1995 a. 77, 352, 448; 1997 a. 181, 183, 205, 239; s. 13.93 (2) (c).

11 **SECTION 50.** 938.32 (1b) of the statutes is created to read:

12 <sup>93</sup> 938.32 (1b) If the petition alleges that the juvenile is in need of protection or  
13 services under s. 938.13 (4), (6), (6m) or (7), the judge or juvenile court commissioner  
14 may ~~establish~~ <sup>1</sup> as a condition under sub. (1) ~~that~~ <sup>an appointment</sup> a court-appointed special advocate  
15 ~~be appointed~~ for the juvenile to maintain regular contact with the juvenile; to  
16 monitor the appropriateness and safety of the environment of the juvenile, the extent  
17 to which the juvenile and the juvenile's family are complying with the consent decree  
18 and the extent to which any agency that is required to provide services for the  
19 juvenile and the juvenile's family under the consent decree is complying with the  
20 consent decree; and, based on that regular contact and monitoring, to make clear and  
21 specific recommendations to the court in the form of written reports or oral  
22 testimony, or both, concerning the best interests of the juvenile. A court-appointed  
23 special advocate appointed under this ~~subdivision~~ shall have the authority specified  
24 in s. 938.236 (4).

subsection

1           **SECTION 51.** 938.32 (2) (c) of the statutes is amended to read:

2           938.32 (2) (c) Upon the motion of the court or the application of the juvenile,  
3           parent, guardian, legal custodian, intake worker or any agency supervising the  
4           juvenile under the consent decree, the court may, after giving notice to the parties  
5           to the consent decree ~~and, their counsel or guardian ad litem and the~~  
6           ~~court-appointed special advocate for the juvenile~~, if any, extend the decree for up to  
7           an additional 6 months or, if the consent decree places the juvenile in a youth village  
8           program as described in s. 118.42, for up to an additional one year in the absence of  
9           objection to extension by the parties to the initial consent decree. If the parent,  
10          guardian or legal custodian <sup>✓</sup>objects to the extension, the court shall schedule a  
11          hearing and make a determination on the issue of extension. A consent decree  
12          placing a juvenile in a youth village program as described in s. 118.42 may be  
13          extended no more than twice.

History: 1995 a. 77, 352, 448; 1997 a. 181, 183, 205, 239, s. 13.93 (2) (c).

14          **SECTION 52.** 938.345 (3) of the statutes is created to read:

15          938.345 (3) If the court finds that a juvenile is in need of protection or services  
16          under s. 938.13 (4), (6), (6m) or (7), the court <sup>✓</sup>, instead of or in addition to any other  
17          disposition that may be imposed under sub. (1), may place the juvenile as provided  
18          in s. 938.34 (2) (a) or (b) and appoint a court-appointed special advocate for the  
19          juvenile to maintain regular contact with the juvenile; to monitor the  
20          appropriateness and safety of the environment of the juvenile, the extent to which  
21          the juvenile and the juvenile's family are complying with the dispositional order and  
22          the extent to which any agency that is required to provide services for the juvenile  
23          and the juvenile's family under the dispositional order is complying with the  
24          dispositional order; and, based on that regular contact and monitoring, to make clear

1 and specific recommendations to the court in the form of written reports or oral  
2 testimony, or both, concerning the best interests of the juvenile. A court-appointed  
3 special advocate appointed under this subsection shall have the authority specified  
4 in s. 938.236 (4).

5 **SECTION 53.** 938.355 (2) (d) of the statutes is amended to read:

6 938.355 (2) (d) The court shall provide a copy of the dispositional order to the  
7 juvenile's parent, guardian or trustee and to the juvenile through the juveniles  
8 counsel or guardian ad litem. In addition, the court shall provide a copy of a  
9 dispositional order relating to a juvenile in need of protection or services under s.  
10 938.13 (4), (6), (6m) or (7) to the juvenile's court-appointed special advocate.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; s. 13.93 (2) (c).

11 **SECTION 54.** 938.355 (2e) (c) of the statutes is amended to read:

12 938.355 (2e) (c) Either the court or the agency that prepared the permanency  
13 plan shall furnish a copy of the original plan and each revised plan to the juvenile's  
14 parent or guardian, to the juvenile or the juvenile's counsel or guardian ad litem, to  
15 the juvenile's court-appointed special advocate and to the person representing the  
16 interests of the public.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; s. 13.93 (2) (c).

17 **SECTION 55.** 938.355 (6) (b) of the statutes is amended to read:

18 938.355 (6) (b) A motion for imposition of a sanction may be brought by the  
19 person or agency primarily responsible for the provision of dispositional services, the  
20 district attorney or corporation counsel or the court that entered the dispositional  
21 order. If the court initiates the motion, that court is disqualified from holding a  
22 hearing on the motion. Notice of the motion shall be given to the juvenile, guardian  
23 ad litem, counsel, court-appointed special advocate, parent, guardian, legal  
24 custodian and all parties present at the original dispositional hearing. The motion

1 shall contain a statement of whether the juvenile may be subject to the federal Indian  
2 child welfare act, 25 USC 1911 to 1963.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; s. 13.93 (2) (c).

3 **SECTION 56.** 938.355 (6m) (b) of the statutes is amended to read:

4 938.355 (6m) (b) A motion for the imposition of a sanction under par. (a) or (ag)  
5 may be brought by the person or agency primarily responsible for providing  
6 dispositional services to the juvenile, the district attorney, the corporation counsel  
7 or the court that entered the dispositional order. If the court initiates the motion,  
8 that court is disqualified from holding a hearing on the motion. Notice of the motion  
9 shall be given to the juvenile, guardian ad litem, counsel, court-appointed special  
10 advocate, parent, guardian, legal custodian and all parties present at the original  
11 dispositional hearing.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; s. 13.93 (2) (c).

12 **SECTION 57.** 938.357 (1) of the statutes is amended to read:

13 938.357 (1) The person or agency primarily responsible for implementing the  
14 dispositional order or the district attorney may request a change in the placement  
15 of the juvenile, whether or not the change requested is authorized in the dispositional  
16 order and shall cause written notice to be sent to the juvenile or the juvenile's counsel  
17 or guardian ad litem, the parent, guardian and legal custodian of the juvenile, any  
18 foster parent, treatment foster parent or other physical custodian described in s.  
19 48.62 (2), guardian and legal custodian of the juvenile and the juvenile's  
20 court-appointed special advocate. The notice shall contain the name and address of  
21 the new placement, the reasons for the change in placement, a statement describing  
22 why the new placement is preferable to the present placement and a statement of  
23 how the new placement satisfies objectives of the treatment plan ordered by the  
24 court. Any person receiving the notice under this subsection or notice of the specific

mayrather than a court-appointed  
special advocate

① foster or treatment foster placement under s. 938.355 (2) (b) 2. may obtain a hearing  
2 on the matter by filing an objection with the court within 10 days after receipt of the  
3 notice. Placements ~~shall~~ not be changed until 10 days after such notice is sent to the  
4 court unless the parent, guardian or legal custodian and the juvenile, if 12 or more  
5 years of age, sign written waivers of objection, except that placement changes which  
6 were authorized in the dispositional order may be made immediately if notice is  
7 given as required in this subsection. In addition, a hearing is not required for  
8 placement changes authorized in the dispositional order except where an objection  
9 filed by a person who received notice alleges that new information is available which  
10 affects the advisability of the court's dispositional order.

11 **SECTION 58.** 938.357 (2m) of the statutes is amended to read:

12 938.357 (2m) The juvenile, the parent, guardian or legal custodian of the  
13 juvenile or any person or agency primarily bound by the dispositional order, other  
14 than the person or agency responsible for implementing the order, may request a  
15 change in placement under this subsection. The request shall contain the name and  
16 address of the place of the new placement requested and shall state what new  
17 information is available which affects the advisability of the current placement. This  
18 request shall be submitted to the court. In addition, the court may propose a change  
19 in placement on its own motion. The court shall hold a hearing on the matter prior  
20 to ordering any change in placement under this subsection if the request states that  
21 new information is available which affects the advisability of the current placement,  
22 unless written waivers of objection to the proposed change in placement are signed  
23 by all parties entitled to receive notice under sub. (1) and the court approves. If a  
24 hearing is scheduled, the court shall notify the juvenile, the parent, guardian and  
25 legal custodian of the juvenile, any foster parent, treatment foster parent or other



1 physical custodian described in s. 48.62 (2) of the juvenile, the juvenile's  
2 court-appointed special advocate and all parties who are bound by the dispositional  
3 order at least 3 days prior to the hearing. A copy of the request or proposal for the  
4 change in placement shall be attached to the notice. If all the parties consent, the  
5 court may proceed immediately with the hearing.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237.

6 **SECTION 59.** 938.363 (1) of the statutes is amended to read:

7 938.363 (1) A juvenile, the juvenile's parent, guardian or legal custodian, any  
8 person or agency bound by a dispositional order or the district attorney or  
9 corporation counsel in the county in which the dispositional order was entered may  
10 request a revision in the order that does not involve a change in placement, including  
11 a revision with respect to the amount of child support to be paid by a parent, or the  
12 court may on its own motion propose such a revision. The request or court proposal  
13 shall set forth in detail the nature of the proposed revision and what new information  
14 is available that affects the advisability of the court's disposition. The request or  
15 court proposal shall be submitted to the court. The court shall hold a hearing on the  
16 matter if the request or court proposal indicates that new information is available  
17 which affects the advisability of the court's dispositional order and prior to any  
18 revision of the dispositional order, unless written waivers of objections to the revision  
19 are signed by all parties entitled to receive notice and the court approves. If a hearing  
20 is held, the court shall notify the juvenile, the juvenile's parent, guardian and legal  
21 custodian, all parties bound by the dispositional order, the juvenile's foster parent,  
22 treatment foster parent or other physical custodian described in s. 48.62 (2), the  
23 juvenile's court-appointed special advocate and the district attorney or corporation  
24 counsel in the county in which the dispositional order was entered at least 3 days

1 prior to the hearing. A copy of the request or proposal shall be attached to the notice.  
2 If the proposed revision is for a change in the amount of child support to be paid by  
3 a parent, the court shall order the juvenile's parent to provide a statement of income,  
4 assets, debts and living expenses to the court and the person or agency primarily  
5 responsible for implementing the dispositional order by a date specified by the court.  
6 The clerk of court shall provide, without charge, to any parent ordered to provide a  
7 statement of income, assets, debts and living expenses a document setting forth the  
8 percentage standard established by the department of workforce development under  
9 s. 49.22 (9) and listing the factors that a court may consider under s. 46.10 (14) (c).  
10 If all parties consent, the court may proceed immediately with the hearing. No  
11 revision may extend the effective period of the original order, or revise an original  
12 order under s. 938.34 (3) (f) or (6) (am) to impose more than 30 days of detention,  
13 nonsecure custody or inpatient treatment on a juvenile.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275; 1997 a. 35, 80, 237, 252.

14 **SECTION 60.** 938.365 (2) of the statutes is amended to read:

15 938.365 (2) No order may be extended without a hearing. The court shall notify  
16 the juvenile or the juvenile's guardian ad litem or counsel, the juvenile's parent,  
17 guardian, and legal custodian, all of the parties present at the original hearing, the  
18 juvenile's foster parent, treatment foster parent or other physical custodian  
19 described in s. 48.62 (2), the juvenile's court-appointed special advocate and the  
20 district attorney or corporation counsel in the county in which the dispositional order  
21 was entered of the time and place of the hearing.

History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237.

22 **SECTION 61.** 938.38 (5) (b) of the statutes is amended to read:

23 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,  
24 the juvenile if he or she is 10 years of age or older and the juvenile's foster parent,

1 the juvenile's treatment foster parent or the operator of the facility in which the  
2 juvenile is living of the date, time and place of the review, of the issues to be  
3 determined as part of the review, of the fact that they may have an opportunity to  
4 be heard at the review by submitting written comments not less than 10 working  
5 days before the review or by participating at the review. The court or agency shall  
6 notify the person representing the interests of the public, the juvenile's counsel and,  
7 the juvenile's guardian ad litem and the juvenile's court-appointed special advocate  
8 of the date of the review, of the issues to be determined as part of the review and of  
9 the fact that they may submit written comments not less than 10 working days before  
10 the review. The notices under this paragraph shall be provided in writing not less  
11 than 30 days before the review and copies of the notices shall be filed in the juvenile's  
12 case record.

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296.

13 **SECTION 62.** 938.38 (5) (d) of the statutes is amended to read:

14 938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the  
15 permanency plan shall, at least 5 days before a review by a review panel, provide to  
16 each person appointed to the review panel, the person representing the interests of  
17 the public, the juvenile's counsel and, the juvenile's guardian ad litem and the  
18 juvenile's court-appointed special advocate a copy of the permanency plan and any  
19 written comments submitted under par. (b). Notwithstanding s. 938.78 (2) (a), a  
20 person appointed to a review panel, the person representing the interests of the  
21 public, the juvenile's counsel and, the juvenile's guardian ad litem and the juvenile's  
22 court-appointed special advocate may have access to any other records concerning  
23 the juvenile for the purpose of participating in the review. A person permitted access

1 to a juvenile's records under this paragraph may not disclose any information from  
2 the records to any other person.

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296.

3 **SECTION 63.** 938.38 (5) (e) of the statutes is amended to read:

4 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of  
5 the determinations under par. (c) and shall provide a copy to the court that entered  
6 the order, the juvenile or the juvenile's counsel or guardian ad litem, the person  
7 representing the interests of the public, the juvenile's parent or guardian, the  
8 juvenile's court-appointed special advocate and the juvenile's foster parent, the  
9 juvenile's treatment foster parent or the operator of the facility where the juvenile  
10 is living.

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296.

11 (END)

Drake London Bill

- ✓ Like adding funding, which is critical to supporting CASA in Wisconsin.
- ✓ Changing authority to recognizing CASA from human services, to placing under jurisdiction of court/chief judge logical
- ✓ \* Would remove all references to unborn children

PAGE 3

- ✓ "Make clear and specific recommendations," terminology may offend.
- ✓ \* "Assist the GAL," again semantics, but does not sound as if CASA is the independent party should be.
- ✓ "Oral testimony" should not replace or be an option for written reports
- ✓ Currently CASA would not be involved with deferred prosecution, can not imagine how that would occur. *"informed dig"*
- ✓ CASA's do not currently have access to psych evals, am unclear about law enforcement records. *leave it*

PAGE 5

- ✓ Not sure what reference is to "assistance of department of justice," fingerprinting probably not best option. (see #7)

PAGE 6

- ✓ In-service training hours may be too high for some programs, would remove number required, just state continuing training required.

PAGE 8

- ✓ Under "Qualifications" may add any person who poses a risk to children as determined by the selection process may be rejected

PAGE 9

- ✓ Again refers to "assist the GAL."

PAGE 11

- ✓ No compensation - some programs may reimburse milage.

PAGE 18

- ✓ Semantics - "monitoring agency compliance"

**PAGE 28**

✓ Selection qualifications allow individual judges to establish criteria.

✓ Not sure would endorse fingerprinting, but rather, that if program has reason to be concerned potential volunteer may pose risk, may be rejected.

**PAGE 29**

sup ✓ 10 hours continuing training

(K) { "Supervision" may want to include a CASA supervisor must have a minimum of bachelor's degree in social work field with supervisory experience or law degree.

**PAGE 31**

✓ Reference to "recommendations" and "oral testimony"

**PAGE 33**

✓ Compensation                      Sect. 938.2A5 (2b) all refers to deferred prosecution.